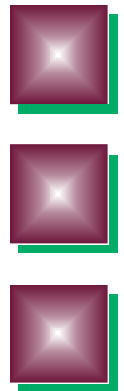


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AERONAUTICS LAW

PUBLIC UTILITIES CODE

Division 9 — Aviation

Part 1 — State Aeronautics Act

Chapter 4 — Airports and Air Navigation Facilities

Article 3.5

AIRPORT LAND USE COMMISSION

(As of December 2000)

21670. Creation; Membership; Selection

- (a) The Legislature hereby finds and declares that:
- (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
 - (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.
- (b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors for the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:
- (1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by subdivisions (2) and (3) shall each be increased by one.
 - (2) Two representing the county, appointed by the board of supervisors.

- (3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
- (4) One representing the general public, appointed by the other six members of the commission.
- (c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.
- (d) Each member shall promptly appoint a single proxy to represent the member in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.
- (e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.
- (f) It is the intent of the Legislature to clarify that, for the purposes of this article, special districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. Action by Designated Body Instead of Commission

- (a) Notwithstanding any provisions of this article, if the board of supervisors and the city selection committee of mayors in any county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.
- (b) A body designated pursuant to subdivision (a) which does not include among its membership at least two members having an expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that the body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.
- (c)
 - (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.
 - (2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1) of this subdivision, that county and the appropriate affected cities having

jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

- (A) Adopt processes for the preparation, adoption, and amendment of the comprehensive airport land use plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
 - (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the comprehensive airport land use plans.
 - (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the comprehensive airport land use plans.
 - (D) Adopt processes for the amendment of general and specific plans to be consistent with the comprehensive airport land use plans.
 - (E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each comprehensive airport land use plan.
- (3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:
- (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
 - (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
 - (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.
- (4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and a plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.
- (d) A commission need not be formed in a county that has contracted for the preparation of comprehensive airport land use plans with the Division of Aeronautics under the California Aid to Airport Program (Title 21 (commencing with Section 4050) of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of

Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the plans:

- (1) Agree to adopt and implement the comprehensive airport plans that have been developed under contract.
 - (2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.
 - (3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.
- (e) (1) A commission need not be formed in a county if all of the following conditions are met:
- (A) The county has only one public use airport that is owned by a city.
 - (B)
 - (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.
 - (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. Applicability to Counties Having over 4 Million Population

- (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.
- (b) By January 1, 1992, the county regional planning commission shall adopt the comprehensive land use plans required pursuant to Section 21675.
- (c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the comprehensive land use plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the plans are adopted.

21670.4. Intercounty Airports

- (a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by an existing airport land use commission in its comprehensive land use plan in accordance with Section 21675.
- (b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.
- (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may either:
 - (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:
 - (A) One representing the cities in each of the counties, appointed by that county's city selection committee.
 - (B) One representing each of the counties, appointed by the board of supervisors of each county.
 - (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
 - (D) One representing the general public, appointed by the other six members of the commission.
 - (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21671. Airports Owned by a City, District, or County; Appointment of Certain Members by Cities and Counties

In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

21671.5. Term of Office; Removal of Members; Vacancies; Compensation; Staff Assistance; Meetings

- (a) Except for the terms of office of the members of the first commission, the term of office for each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing him or her. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his or her term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.
- (b) Compensation, if any, shall be determined by the board of supervisors.
- (c) Staff assistance, including the mailing of notices and the keeping of minutes, and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary expenses of the commission shall be a county charge.
- (d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.
- (e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.
- (f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission which has not adopted the comprehensive land use plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.
- (g) In any county which has undertaken by contract or otherwise completed land use plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the land use plans are complete by that date, may continue charging fees after June 30, 1992. If the land use plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Rules and Regulations

Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

21673. Initiation of Proceedings for Creation by Owner of Airport

In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

21674. Powers and Duties

The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

- (a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.
- (b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.
- (c) To prepare and adopt an airport land use plan pursuant to Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.
- (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.
- (f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. Training of Airport Land Use Commission's Staff

- (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.

- (b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:
 - (1) The establishment of a process for the development and adoption of comprehensive land use plans.
 - (2) The development of criteria for determining airport land use planning boundaries.
 - (3) The identification of essential elements which should be included in the comprehensive plans.
 - (4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.
 - (5) Any other organizational, operational, procedural, or technical responsibilities and functions which the department determines to be appropriate to provide the commission staff and for which it determines there is a need for staff training and development.
- (c) The department may provide training and development programs for airport land commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:
 - (1) By offering formal courses or training programs.
 - (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.
 - (3) By producing and making available written information.
 - (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. Airport Land Use Planning Handbook

An airport land use commission that formulates, adopts or amends a comprehensive airport land use plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

21675. Land Use Plan

- (a) Each commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include and shall be based on a long-

range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating a land use plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area. The comprehensive land use plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

- (b) The commission may include, within its plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any federal military airport for all the purpose specified in subdivision (a). This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.
- (c) The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.
- (d) The commission shall submit to the Division of Aeronautics of the department one copy of the plan and each amendment to the plan.
- (e) If a comprehensive land use plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

21675.1. Adoption of Land Use Plan

- (a) By June 30, 1991, each commission shall adopt the comprehensive land use plan required pursuant to Section 21675, except that any county which has undertaken by contract or otherwise completed land use plans for at least one-half of all public use airports in the county, shall adopt that plan on or before June 30, 1992.
- (b) Until a commission adopts a comprehensive land use plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give the public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land which will be included or reasonably could be included within the plan. If the commission has not designated a study area for the plan, then "vicinity" means land within two miles of the boundary of a public airport.
- (c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:
 - (1) The commission is making substantial progress toward the completion of the plan.

- (2) There is a reasonable probability that the action, regulation, or permit will be consistent with the plan being prepared by the commission.
- (3) There is little or no probability of substantial detriment to or interference with the future adopted plan if the action, regulation, or permit is ultimately inconsistent with the plan.
- (d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.
- (e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the plan.
- (f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the city's or county's decision to proceed with the action, regulation, or permit.
- (g) A commission may adopt rules and regulations which exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:
 - (1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.
 - (2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

21675.2. Approval or Disapproval of Actions, Regulations, or Permits

- (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.
- (b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed

approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

- (c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.
- (d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. Review of Local General Plans

- (a) Each local agency whose general plan includes areas covered by an airport land use commission plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the commission's plan. If the plan or plans are inconsistent with the commission's plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its plans. The local agency may overrule the commission after such a hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (b) Prior to the amendment of a general plan or specific plan, or the addition or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (c) Each public agency owning any airport within the boundaries of an airport land use commission plan shall, prior to modification of its airport master plan, refer such proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the commission's plan.

21676.5. Review of Local Plans

- (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the commission plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may overrule the commission after hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670.
- (b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that the individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

Notwithstanding Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body.

21678. Airport Owner's Immunity

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676 or 21676.5 overrides a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the commission's action or recommendation.

21679. Court Review

- (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, which directly affects the use of land within one mile of the boundary of a public airport within the county.
- (b) The court may issue an injunction which postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency which took the action does one of the following:

- (1) In the case of an action which is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.
 - (2) In the case of an action which is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.
 - (3) Rescinds the action.
 - (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2) of this subdivision, whichever is applicable.
- (c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency which took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use plan as provided in Section 21675.
- (d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.
- (e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.
- (f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

21679.5. Deferral of Court Review

- (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary or a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use plan, but is making substantial progress toward the completion of the plan.
- (b) If a commission has been prevented from adopting the comprehensive land use plan by June 30, 1991, or if the adopted plan could not become effective, because of a lawsuit involving the adoption of the plan, the June 30, 1991 date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.
- (c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use plan, but is making

substantial progress toward the completion of the plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body does not adopt an airport land use plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

- (d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

AERONAUTICS LAW

PUBLIC UTILITIES CODE

Division 9, Part 1

**Chapter 3 — Regulation of Aeronautics
(*excerpts*)**

21402. Ownership; Prohibited Use of Airspace

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

**21403. Lawful Flight; Unauthorized and Forced Landings; Damages; Use of Highways;
 Burden of Proof; Within Airport Approach Zone**

- (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.
- (b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:
 - (1) A forced landing.
 - (2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.
 - (3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

- (c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

AERONAUTICS LAW

PUBLIC UTILITIES CODE

Division 9, Part 1

Chapter 4 — Airports and Air Navigation Facilities

Article 2.7

REGULATION OF OBSTRUCTIONS

(excerpts)

21655. Proposed Site for Construction of State Building Within Two Miles of Airport; Investigation and Report; Expenditure of State Funds

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

21659. Obstructions Near Airports Prohibited

- (a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.
- (b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.
- (c) Section 21658 is applicable to subdivision (b).

AERONAUTICS LAW

**PUBLIC UTILITIES CODE
Division 9, Part 1, Chapter 4**

**Article 3
REGULATION OF AIRPORTS
(excerpts)**

21661.5. Approval of Construction Plans; Submission of Plan to Airport Land Use Commission

No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9, and acted upon by such commission in accordance with the provisions of such article.

21664.5. Approval of Sites; Amended Airport Permits; Airport Expansion Defined

An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of the section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

As used in this section, "airport expansion" includes any of the following:

- (a) The acquisition of clear zones or of any interest in land for the purpose of any other expansion as set forth in this section.
- (b) The construction of a new runway.
- (c) The extension or realignment of an existing runway.
- (d) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of subdivision (a), (b), or (c).

This section shall not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval on or prior to such effective date of each governmental agency which by law required such approval.

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7 — Planning and Land Use

Division 1 — Planning and Zoning

Chapter 3 — Local Planning

Article 5

AUTHORITY FOR AND SCOPE OF GENERAL PLANS

(excerpts)

65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrence Findings

- (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.
- (b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.
- (c) If the legislative body does not concur with any of the provisions of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 4.5 — Review and Approval of Development Projects

Article 3

APPLICATION FOR DEVELOPMENT PROJECTS

(excerpts)

Note: The following government code sections are referenced in Section 21675.2(c) of the ALUC statutes.

65943. Completeness of Application; Determination; Time; Specification of Parts not Complete and Manner of Completion

- (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.
- (b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for the purposes of this chapter.
- (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency of the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials

are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

- (d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.
- (e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65943.5.

- (a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.
- (b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:
 - (1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.
 - (2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.
- (c) For purposes of subdivision (b), "environmental permit" has the same meaning as defined in Section 72012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

65944. Acceptance of Application as Complete; Requests for Additional Information; Restrictions; Clarification, Amplification, Correction, etc; Prior to Notice of Necessary Information

- (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

- (b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.
- (c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

65945. Notice of Proposal to Adopt or Amend Certain Plans or Ordinances by City or County, Fee; Subscription to Periodically Updated Notice as Alternative, Fee

- (a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to retrieve notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:
 - (1) A general plan.
 - (2) A specific plan.
 - (3) A zoning ordinance.
 - (4) An ordinance affecting building permits or grading permits.

The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

- (b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.

Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines are reasonably related to requests for development permits, need be listed in

the notice. No proposals shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks; except that a notice need not be updated and mailed until a change in its contents is required.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices.

65945.3. Notice of Proposal to Adopt or Amend Rules or Regulations Affecting Issuance of Permits by Local Agency other than City or County; Fee

At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of development permits.

Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit.

The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65945.5. Notice of Proposal to Adopt or Amend Regulation Affecting Issuance of Permits and Which Implements Statutory Provision by State Agency

At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision.

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

65945.7. Actions, Inactions, or Recommendations Regarding Ordinances, Rules or Regulations; Invalidity or Setting Aside Ground of Error Only if Prejudicial

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any

state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect, or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error that party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 9.3 — Mediation and Resolution of Land Use Disputes

(excerpts)

66030.

- (a) The Legislature finds and declares all of the following:
 - (1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.
 - (2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).
 - (3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.
- (b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

- (a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:
 - (1) The approval or denial by a public agency of any development project.
 - (2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

- (3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).
 - (4) Fees determined pursuant to Sections 53080 to 53082, inclusive, or Chapter 4.9 (commencing with Section 65995).
 - (5) Fees determined pursuant to Chapter 5 (commencing with Section 66000).
 - (6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).
 - (7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox Local Government Reorganization Act (Division 3 (commencing with Section 56000) of Title 5).
 - (8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
 - (9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).
 - (10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.
- (b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.
 - (c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:
 - (1) The council of governments having jurisdiction in the county where the dispute arose.
 - (2) Any subregional or countywide council of governments in the county where the dispute arose.
 - (3) The Office of Permit Assistance within the Trade and Commerce Agency, pursuant to its authority in Article 1 (commencing with Section 15399.50) of Chapter 11 of Part 6.7 of Division 3 of Title 2.
 - (4) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.
 - (d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have

not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7 — Planning and Land Use

Division 2 — Subdivisions

Chapter 3 — Procedure

Article 3

REVIEW OF TENTATIVE MAP BY OTHER AGENCIES

(excerpts)

66455.9.

Whenever there is consideration of an area within a development for a public school site, the advisory agency shall give the affected districts and the State Department of Education written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the distance of an existing or proposed airport runway as described in Section 17215 of the Education Code, the department shall notify the State Department of Transportation as required by the section and the site shall be investigated by the State Department of Transportation required by Section 17215.

EDUCATION CODE
Title 1 — General Education Code Provisions
Division 1 — General Education Code Provisions
Part 10.5 — School Facilities
Chapter 1 — School Sites

Article 1
GENERAL PROVISIONS
(excerpts)

Note: SB 161, Statutes of 1997, replaced Education Code Section 39005 with Section 17215; SB 967, Statutes of 1995, deleted Sections 39006 and 39007.

17215.

- (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites before acquiring title to property for a new school site, the governing board of each school district, including any district governed by a city board of education, shall give the Department of Transportation written notice of the proposed acquisition and shall submit any information required by the department if the proposed site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
- (b) If the Department of Transportation is no longer in operation, the governing board of the school district shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.
- (c) The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the governing board a written report and its recommendations concerning acquisition of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the proposed school site.
- (d) The governing board shall not acquire title to the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the school district or, if there is no newspaper of general circulation within the school district, in a newspaper of general circulation within the county in which the property is located.
- (e) Except as provided in subdivision (d), if the Department of Transportation in its report submitted to a governing board of a school district does not favor acquisition of a proposed site that is within

two miles of the centerline of an active runway, no state funds or local funds shall be apportioned or expended for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

- (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.
- (g) If the recommendations of the Department of Transportation are unfavorable, the recommendations shall not be overruled without the express approval of the State Allocation Board.

**EDUCATION CODE
Title 3 — Postsecondary Education
Division 7 — Community Colleges
Part 49 — Community Colleges, Education Facilities
Chapter 1 — School Sites**

***Article 2
SCHOOL SITES
(excerpts)***

81033. Investigation: Geologic and Soil Engineering Studies; Airport in Proximity

- (c) To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors shall, in lieu of notifying the Division of Aeronautics, notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The board of governors shall investigate the proposed site and within 35 working days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

- (d) If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under subdivision (c) does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation,

no state agency or officer shall grant, apportion, or allow to such community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for a community college site acquisition or college building construction, or for expansion of existing sites and buildings, and no funds of the community college district or of the county in which the district lies shall be expended for such purposes; provided that provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to such sites.

If the recommendations of the Division of Aeronautics is unfavorable, such recommendations shall not be overruled without the express approval of the board of governors and the State Allocation Board.

**PUBLIC RESOURCES CODE
California Environmental Quality Act Statutes
Chapter 2.6 — General**

(excerpts)

21096. Airport Planning

- (a) If a lead agency prepares an environmental impact report for a project situated within airport comprehensive land use plan boundaries, or, if a comprehensive land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.
- (b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

LEGISLATIVE HISTORY SUMMARY

PUBLIC UTILITIES CODE

Section 21670 et seq.

Airport Land Use Commission Statutes

- 1967 Original ALUC statute enacted.
- < Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
 - < The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.
- 1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970 — Adds provisions which:
- < Require ALUCs to prepare comprehensive land use plans.
 - < Require such plans to include a long-range plan and to reflect the airport's forecast growth during the next 20 years.
 - < Require ALUC review of airport construction plans (Section 21661.5).
 - < Exempt Los Angeles County from the requirement of establishing an ALUC.
- 1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.
- 1973 ALUCs are permitted to establish compatibility plans for military airports.
- 1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982 — Adds major changes which:
- < More clearly articulate the purpose of ALUCs.
 - < Eliminate reference to "achieve by zoning."
 - < Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
 - < Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC's plan.
 - < Require that local agencies make findings of fact before overriding an ALUC decision.
 - < Change the vote required for an override from 4/5 to 2/3.
- 1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984 — Amends the law to:
- < Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
 - < Limit amendments to compatibility plans to once per year.
 - < Allow individual projects to continue to be referred to the ALUC by agreement.
 - < Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.
 - < Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.

- 1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987 — Makes revisions which:
- < Require that a designated body serving as an ALUC include two members having “expertise in aviation.”
 - < Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
 - < Delete *sunset* provisions contained in certain clauses of the law.
 - < Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.
- 1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989 —
- < Sets a requirement that comprehensive land use plans be completed by June 1991.
 - < Establishes a method for compelling ALUCs to act on matters submitted for review.
 - < Allows ALUCs to charge fees for review of projects.
 - < Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.
- 1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989 — Appropriates \$3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.
- 1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990 — Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.
- 1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990 — With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.
- 1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990 — Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.
- 1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991 —
- < Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
 - < Allows ALUCs to continue to charge fees under these circumstances.
 - < Fees may be charged only until June 30, 1992, if plans are not completed by then.
- 1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993 — Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)

- 1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 — Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans' approval. Requires that ALUCs be guided by information in the Caltrans' *Airport Land Use Planning Handbook* when formulating airport land use plans.
- 1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994 — Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports (Public Resources Code, Section 21096. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.
- 1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997 — Added Section 21670.4 concerning airports whose planning boundary straddles a county line.
- 2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000 — Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.

Appendix B

Federal Aviation Regulations Part 77
Objects Affecting Navigable Airspace

Subpart A
GENERAL

Amdt. 77-11, Sept. 25, 1989.

77.1 Scope.

This part:

- (a) Establishes standards for determining obstructions in navigable airspace;
- (b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;
- (c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;
- (d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and
- (e) Provides for establishing antenna farm areas.

77.2 Definition of Terms.

For the purpose of this part:

"Airport available for public use" means an airport that is open to the general public with or without a prior request to use the airport.

"A seaplane base" is considered to be an airport only if its sea lanes are outlined by visual markers.

"Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and

for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

“Precision instrument runway” means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

“Utility runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

“Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

77.3 Standards.

- (a) The standards established in this part for determining obstructions to air navigation are used by the Administrator in:
 - (1) Administering the Federal-aid Airport Program and the Surplus Airport Program;
 - (2) Transferring property of the United States under section 16 of the Federal Airport Act;
 - (3) Developing technical standards and guidance in the design and construction of airports; and
 - (4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.
- (b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this part but are contained in other publications of the Administrator.

77.5 Kinds of Objects Affected.

This part applies to:

- (a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and apparatus of a permanent or temporary character; and

- (b) Alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.

Subpart B
NOTICE OF CONSTRUCTION OR ALTERATION

77.11 Scope.

- (a) This subpart requires each person proposing any kind of construction or alteration described in § 77.13(a) to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under § 77.13(a).
- (b) Notices received under this subpart provide a basis for:
 - (1) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;
 - (2) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;
 - (3) Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," which is available without charge from the Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.
 - (4) Determining other appropriate measures to be applied for continued safety of air navigation; and
 - (5) Charting and other notification to airmen of the construction or alteration.

77.13 Construction or Alteration Requiring Notice.

- (a) Except as provided in § 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 77.17:
 - (1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

- (2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - (i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.
 - (ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.
 - (iii) 5 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a)(5) of this section.
- (3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) (1) or (2) of this section.
- (4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.
- (5) Any construction or alteration on any of the following airports (including heliports):
 - (i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.
 - (ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that airport will be available for public use.
 - (iii) An airport that is operated by an armed force of the United States.
- (b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.
- (c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if -

- (1) The construction or alteration is more than 200 feet above the surface level of its site; or
- (2) An FAA regional office advises him that submission of the form is required.

77.15 Construction or Alteration Not Requiring Notice.

No person is required to notify the Administrator for any of the following construction or alteration:

- (a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- (b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- (c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- (d) Any construction or alteration for which notice is required by any other FAA regulation.

77.17 Form and Time of Notice.

- (a) Each person who is required to notify the Administrator under § 77.13(a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.
- (b) The notice required under § 77.13(a)(1) through (4) must be submitted at least 30 days before the earlier of the following dates:
 - (1) The date the proposed construction or alteration is to begin.
 - (2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

- (c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.
- (d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.
- (e) Each person who is required to notify the Administrator by paragraph (b) or (c) of § 77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

77.19 Acknowledgment of Notice.

- (a) The FAA acknowledges in writing the receipt of each notice submitted under § 77.13(a).
- (b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1, entitled "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the manual.
- (c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - (1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;
 - (2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or
 - (3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

Subpart C
OBSTRUCTION STANDARDS

77.21 Scope.

- (a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13(a) is filed.
- (b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in § 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.
- (c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is -
 - (1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or
 - (2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,
 - (3) An airport that is operated by an armed force of the United States.

77.23 Standards for Determining Obstructions.

- (a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

- (1) A height of 500 feet above ground level at the site of the object.
 - (2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.
 - (3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - (4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off airway route, that would increase the minimum obstacle clearance altitude.
 - (5) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25, § 77.28, or § 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.
- (b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:
- (1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
 - (2) Fifteen feet for any other public roadway.
 - (3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - (4) Twenty-three feet for a railroad, and,
 - (5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

77.25 Civil Airport Imaginary Surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- (a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- (1) 5,000 feet for all runways designated as utility or visual;
- (2) 10,000 feet for all other runways.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

- (b) Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having nonprecision instrument approaches.
- (3) For other than utility runways the width is:
 - (i) 500 feet for visual runways having only visual approaches.
 - (ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

- (d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
 - (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - (i) 1,250 feet for that end of a utility runway with only visual approaches;
 - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;
 - (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - (vi) 16,000 feet for precision instrument runways.
 - (2) The approach surface extends for a horizontal distance of:
 - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
 - (ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,
 - (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.
 - (3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- (e) Transitional surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

77.27 [Reserved]

77.28 Military Airport Imaginary Surfaces.

- (a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.

- (1) Inner horizontal surface. A plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.
 - (2) Conical surface. A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.
 - (3) Outer horizontal surface. A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.
- (b) Related to runways. These surfaces apply to all military airports.
- (1) Primary surface. A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000 foot width may be reduced to the former criteria.
 - (2) Clear zone surface. A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
 - (3) Approach clearance surface. An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.
 - (4) Transitional surfaces. These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

77.29 Airport Imaginary Surfaces for Heliports.

- (a) Heliport primary surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (b) Heliport approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and

extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

- (c) Heliport transitional surfaces These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D
AERONAUTICAL STUDIES OF EFFECT OF
PROPOSED CONSTRUCTION ON NAVIGABLE AIRSPACE

77.31 Scope.

- (a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.
- (b) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard to air navigation.

77.33 Initiation of Studies.

- (a) An aeronautical study is conducted by the FAA:
 - (1) Upon the request of the sponsor of any construction or alteration for which a notice is submitted under Subpart B of this part, unless that construction or alteration would be located within an antenna farm area established under Subpart F of this part; or
 - (2) Whenever the FAA determines it appropriate.

77.35 Aeronautical Studies.

- (a) The Regional Manager, Air Traffic Division of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.

- (b) To the extent considered necessary, the Regional Manager, Air Traffic Division or his designee:
 - (1) Solicits comments from all interested persons;
 - (2) Explores objections to the proposal and attempts to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration;
 - (3) Examines possible revisions of the proposal that would eliminate the exceeding of the standards in Subpart C of this part; and
 - (4) Convenes a meeting with all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.
- (c) The Regional Manager, Air Traffic Division or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under § 77.37.
- (d) If the sponsor revises his proposal to eliminate exceeding of the standards of Subpart C of this part, or withdraws it, the Regional Manager, Air Traffic Division, or his designee, terminates the study and notifies all known interested persons.

77.37 Discretionary Review.

- (a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 30 days after issuance of the determination under § 77.19 or § 77.35 or revision or extension of the determination under § 77.39(c), for a review of the determination, revision, or extension. This paragraph does not apply to any acknowledgment issued under § 77.19(c)(1).
- (b) The petition must be in triplicate and contain a full statement of the basis upon which it is made.
- (c) The Administrator examines each petition and decides whether a review will be made and, if so, whether it will be:
 - (1) A review on the basis of written materials, including study of a report by the Regional Manager, Air Traffic Division of the aeronautical study, briefs, and related submissions by any interested party, and other relevant facts, with the Administrator affirming, revising, or reversing the determination issued under § 77.19, § 77.35 or § 77.39(c); or

- (2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E of this part.

77.39 Effective Period of Determination of No Hazard.

- (a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subpart B or E of this part expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- (b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:
 - (1) Revise the determination based on new facts that change the basis on which it was made; or
 - (2) Extend its effective period.
- (c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.
- (d) In any case in which a final determination made under this subpart or Subpart B or E of this part relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes -
 - (1) The time required to apply to the Commission for a construction permit, but not more than 6 months after the effective date of the determination; and
 - (2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.
- (e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

Please Type or Print on This Form

Form Approved OMB No. 2120-0001

Source: Federal Aviation Administration (www.faa.gov/explanatory/forms/7460-1.pdf) Processing of Your Notice U.S. Department of Transportation Federal Aviation Administration		Notice of Proposed Construction or Alteration		FOR FAA USE ONLY Aeronautical Study Number - - -	
1. Sponsor (person, company, etc. proposing this action) : Attn. of: _____ Name: _____ Address: _____ _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____			9. Latitude: _____ ° _____ ' _____ "		
2. Sponsor's Representative (if other than #1) : Attn. of: _____ Name: _____ Address: _____ _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____			10. Longitude: _____ ° _____ ' _____ "		
3. Notice of: <input type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing			11. Datum: <input type="checkbox"/> NAD 83 <input type="checkbox"/> NAD 27 <input type="checkbox"/> Other		
4. Duration: <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (months, days)			12. Nearest: City: _____ State: _____		
5. Work Schedule: Beginning _____ End _____			13. Nearest Public-use (not private-use) or Military Airport or Heliport: _____		
6. Type: <input type="checkbox"/> Antenna Tower <input type="checkbox"/> Crane <input type="checkbox"/> Building <input type="checkbox"/> Power Line <input type="checkbox"/> Landfill <input type="checkbox"/> Water Tank <input type="checkbox"/> Other _____			14. Distance from #13. to Structure: _____		
7. Marking/Painting and/or Lighting Preferred: <input type="checkbox"/> Red Lights and Paint <input type="checkbox"/> Dual - Red and Medium Intensity White <input type="checkbox"/> White - Medium Intensity <input type="checkbox"/> Dual - Red and High Intensity White <input type="checkbox"/> White - High Intensity <input type="checkbox"/> Other _____			15. Direction from #13. to Structure: _____		
8. FCC Antenna Structure Registration Number (if applicable): _____			16. Site Elevation (AMSL): _____ ft.		
20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)			17. Total Structure Height (AGL): _____ ft.		
21. Complete Description of Proposal:			18. Overall height (#16. + #17.) (AMSL): _____ ft.		
Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to 49 U.S.C., section 46301 (a).			19. Previous FAA Aeronautical Study Number (if applicable): _____ - OE		
I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking and lighting standards as necessary.			Frequency/Power (kW)		
Date			Typed or Printed name and Title of Person Filing Notice		
Signature					

FAA Form 7460-1 (2-99) Supersedes Previous Edition

NSN: 0052-00-012-0008

Appendix B2

Notification of Proposed Construction or Alteration

FAA Form 7460

Airport Land Use Compatibility Concepts
Contra Costa County Airport Land Use Compatibility Plan

OVERVIEW

The land use compatibility concerns addressed by ALUCs can generally be grouped under four headings: noise, safety, airspace protection, and overflight. The table in Appendix C1 briefly describes the nature of each of these compatibility concerns. The types of land use measures available to ALUCs for addressing these concerns are identified as well. The discussion which follows highlights some additional factors to be recognized when airport land use compatibility issues are examined.

Noise

Measuring Noise Impacts

The principal tool by which airports and surrounding communities can assess airport noise impacts is through calculation of Community Noise Equivalent Level (CNEL) contours. In making such assessments, however, the limitations of CNEL contours are essential to recognize.

- ' **Averaging** — CNEL contours represent a single day's average of all of the aircraft noise events which take place at an airport over a year's time. The contours are a composite of individual noise events and thus do not directly measure these events. However, because noise is measured on a logarithmic scale, the contours can be significantly affected by a few particularly loud events or aircraft types. Also, particularly annoying noise (such as high-pitch sounds or ones which create vibrations) are not explicitly taken into account. Consequently, other noise factors often must be considered in land use compatibility planning evaluations.
- ' **Accuracy** — Even when noise monitoring data is available — as is the case at Buchanan Field — many assumptions go into the calculation of noise contours. This is particularly the case at general aviation airports. A 2-3 dB accuracy with regard to calculation of existing contours is considered good. For future contours, the added uncertainty of forecasting both activity levels and aircraft technology means that an accuracy of ± 5 dB is as much as can realistically be expected.
- ' **Scope** — As normally depicted, cumulative noise level contours do not encompass the total area affected by aircraft noise around an airport. Use of noise contours to show marginally affected areas is, at best, imprecise because of the varied distribution of flight tracks and altitudes which occurs with increased distance from the runway ends.
- ' **Relationship to Land Uses** — Noise contours by themselves indicate nothing as to whether a given type of land use is compatible at a particular noise exposure. Basic compatibility guidelines have been established by both the federal and state governments, but adjustment of these criteria to

reflect local community and airport conditions is still essential. (For example, the higher background noise levels found around Buchanan Field Airport compared to the quieter, rural environs of Byron Airport makes a difference in the intrusiveness of aircraft noise events.) This adjustment process is often referred to as *normalization*. Even after normalization has been applied, however, the comparative noise sensitivity of one person versus another still remains as a variable.

Noise Footprints of Individual Aircraft

A different perspective on airport noise impacts can be obtained by examining sound level data for individual aircraft operations as opposed to the composite contours described above. Appendix C2 shows a series of what are usually referred to as single-event levels or aircraft noise footprints. For each of the aircraft listed, these contours indicate the momentary, maximum sound levels experienced on the ground as the aircraft flies over while approaching and departing a runway. The 65 dBA sound level (the outermost contour) is significant in that this is the level at which interference with speech begins to be significant.

Formatted in this way, the noise levels of various types of aircraft can readily be compared. The footprints dramatically illustrate, for example, why 1970s-era business jets have a major effect on the size of the cumulative noise contours at Buchanan Field despite their relatively small number of annual operations. At the other end of the spectrum, the small helicopters used for flight training have tiny approach and departure footprints — smaller than any of the airplanes depicted. The footprints also show the relatively small noise impact of contemporary regional airline jets — about the same as an average, twin piston-engine airplane.

Safety

Assessing Aircraft Accident Risks

Accident risks can generally be assessed in terms of two components: the *frequency* with which the accidents can be predicted to occur; and the potential *severity* of an accident when one occurs. Aircraft accidents near airports are events which happen infrequently, but, when they do, the consequences can be severe. To better appreciate the relationship between risks and safety compatibility planning for airport environs, further examination of these two components is useful.

The frequency component of risk is itself comprised of two elements. One is the *relative* frequency with which accidents occur in any given location as compared to other locations. The second is the *absolute* frequency with which accidents take place in a given proximity to an airport runway over a specified period of time. Until recently, good data on the spatial or geographic distribution of near-airport, general aviation aircraft accidents was lacking. As discussed below, valuable information on this topic is now available.

The temporal, or time, element of aircraft accident frequency remains a controversial subject. Accident probabilities as a function of time can be calculated using nationwide ratios of accidents to aircraft

operations and then multiplying by the number of aircraft operations expected to take place at an individual airport over a specified period of time. For any particular parcel or small area, however, the resulting probability numbers are so low as to seem insignificant. The problem is that the numbers by themselves lack context. Sometimes, attempts are made to give them a sense of scale by making comparisons with the probability of an individual being struck by lightning or experiencing some other calamity. Even then, though, it is difficult to base land use policies on risk data comparing widely different types of events.

A further aspect of the problem, especially with regard to aircraft accident risks, is that public *perception* is perhaps more important than statistics. While the reality is that accidents involving light, general aviation aircraft seldom cause major damage or deaths on the ground, public perception usually is that only “luck” prevented any particular event from being a major catastrophe. Accidents involving larger aircraft — business jets and airline aircraft — are more likely to have significant consequences to land uses, but there are fewer such aircraft flying at most airports and, on a national basis, the accident frequency is lower than for small planes. Also important — especially when considering the fundamental role of ALUCs to protect airports — is that, when an aircraft accident happens near an airport, public response is usually in favor of restricting the airport usage, not the surrounding land uses.

Ultimately, this issue boils down to the question of: what is acceptable risk? The answer to this question is something which individual communities must each decide. In urban locations, people generally accept a somewhat higher level of risk than they might in rural areas, just as they accept a higher level of ambient noise. It is simply one of the disadvantages of urban living which go hand in hand with the advantages. Safety is relative, not absolute.

Aircraft Accident Locations

The number of off-airport aircraft accidents at any particular airport is too small to provide a meaningful indication of where accidents may occur near that airport in the future. To better assess the geographic distribution of aircraft accident risks near an airport, a larger database is necessary. A database of this type was initially developed for the 1993 *Airport Land Use Planning Handbook* published by the California Department of Transportation Aeronautics Program. The database was expanded in 1999 and now contains information on some 873 general aviation aircraft accidents (445 arrival accidents and 428 departure accidents) which occurred within 5 miles of an airport, but not on the runway. (This data includes accidents at airports nationwide over roughly a 10-year period. However, because precise location data is not available for most accidents, the database represents only a fraction of the total number of off-airport accidents that took place during this time span.)

The charts in Appendices C3 and C4 depict the relative geographic intensity of general aviation aircraft accident risks for arrival and departure accidents, respectively. Each dot represents the location of an aircraft accident site mapped with respect to the approach or departure runway which the aircraft was intending to use for landing or had used on takeoff. The 20% contour represents the highest or most concentrated risk intensity, the 40% contour represents the next highest risk intensity, etc. Each contour interval is drawn so as to encompass 20% of the dots within the most compact area.

The charts reveal several facts:

- < About half of arrival accidents and a third of departure accidents take place within the FAA-defined runway protection zone for a runway with a low-visibility instrument approach procedure (a 2,500-foot long trapezoid, varying from 1,000 feet to 1,750 feet in total width). This fact lends validity to the importance of the runway protection zones as an area within which land use activities should be minimal.
- < Although the runway protection zones represent the locations within which risk levels are highest, a significant degree of risk exists well beyond the runway protection zone boundaries. Among all near-airport (within 5 miles) accidents, over 80% are concentrated within 1.5 to 2 miles of a runway end.
- < Arrival accidents tend to be concentrated relatively close to the extended runway centerline. Some 80% occur within a strip extending 10,000 feet from the runway landing threshold and 2,000 feet to each side of the runway centerline.
- < Departure accidents are comparatively more dispersed laterally from the runway centerline, but are concentrated closer to the runway end. Many departure accidents also occur lateral to the runway itself, particularly when the runway is long. Approximately 80% of the departure accident sites lie within an area 2,500 from the runway centerline and 6,000 feet beyond the runway end or adjacent to the runway.

This data does not address the other major components of aircraft accident risk: the potential consequences of accidents when they occur and the frequency with which they occur. The intent is merely to illustrate the relative intensity of the risks on a geographic scale.

Furthermore, as with noise contours, risk data by itself does not answer the question of what degree of land use restrictions should be established in response to the risks. Although most ALUCs have policies which restrict certain land use activities in locations beyond the runway protection zones, the size of the area in which restrictions are established and the specific restrictions applied vary from one county to another.

Airspace Protection

The Federal Aviation Administration establishes the criteria which determines the airspace essential to the safe flight of aircraft to, from, and around airports. There are two separate sets of criteria, each with a different purpose.

Criteria used to protect the airspace around airports from tall structures which could pose hazards to flight are established in Part 77 of the Federal Aviation Regulations (FAR). The regulations, though, do not give the FAA direct authority to limit the height of structures. This authority rests with state and local governments. Rather, Part 77 serves primarily as a notification device. Before a structure which would exceed the Part 77 surfaces is built, notification must be submitted to the FAA. The FAA then conducts an aeronautical study to determine whether the object would or would not be a hazard to air navigation. The FAA also may indicate that an obstruction should be marked and/or lighted.

The FAA's direct authority with regard to airport airspace is to define instrument approach procedures. The criteria used for this purpose are outlined in the *United States Standard for Terminal Instrument*

Procedures (TERPS). Unlike FAR Part 77 which sets desirable limits on the height of structures, TERPS takes these objects as a given and then uses that information in the procedure design. If a new structure is built which penetrates one of the TERPS surfaces for an existing procedure, the procedure must be redesigned with higher approach minimums or perhaps eliminated altogether.

In general, FAR Part 77 surfaces for a particular airport are lower than those defined by TERPS. Part 77, however, does not specifically take into account turns in approaches or, more significantly, in missed approaches. Thus, it is possible for a structure to be built to a height which does not exceed the Part 77 limits, but still adversely affects an existing instrument approach procedure. Also to be considered is that a structure which does not adversely affect an existing procedure could be the critical obstacle for a future, not yet designed, procedure. For airports such as Buchanan Field and Byron Airport which have existing or planned instrument approach procedures, a review of TERPS surfaces can be an important land use compatibility component.

Overflight

Assessing Overflight Annoyance

A general definition of *overflight* impacts is that they are noise-related impacts affecting locations outside the typical contours described by cumulative noise level metrics. Compared to the measured noise impacts, overflight impacts are more subtle and subjective. Also, they seem to include elements of both noise and safety concerns. Often the impacts are revealed in the form of *annoyance* expressed by some people living near an airport.

Although overflight noise is detectable and therefore measurable, the highly subjective individual reactions to overflights makes the value of measurement on a decibel scale questionable. A more representative measure of overflight impacts is the absolute number of intrusive events which occur, but there is no agreed-upon, scientific standard for what an acceptable number might be.

For the purposes of airport land use compatibility planning, a simpler form of assessment may be more practical. This approach presumes that aircraft overflight impacts are potentially a concern anywhere along the standard aircraft traffic pattern flight tracks for an airport. Annoyance concerns can also be expected, but to lesser degrees, elsewhere in the airport vicinity where aircraft fly at or below traffic pattern altitude while approaching or departing the runway.

Whether a significant degree of overflight annoyance will actually occur in the vicinity of an airport is influenced by a variety of factors, both environmental and human. Building type and design, ambient noise levels, the characteristics and predictability of the noise itself, and (as noted above) the frequency of occurrence are among the environmental factors involved. An individual's sense of annoyance at overflights depends upon such factors as characteristics of the land use activity being disrupted, personal sensitivity to noise, attitudes toward aviation, and experience and expectations regarding noise levels in the community.

Buyer Awareness Measures

As indicated in Appendix C1, the basic means available to ALUCs for addressing overflight issues is through buyer awareness measures. Buyer awareness programs recognize the subjective nature of annoyance. The concept is that the likelihood of people being annoyed by airport activity can be reduced if they are made aware of the airport's proximity and the nature and location of aircraft overflights before moving into the airport area.

Buyer awareness is really an umbrella term for three separate types of measures all having the objective of ensuring that prospective buyers of property in the vicinity of an airport are informed about the airport's impacts on the property. Although variations are sometimes created, the three basic types of buyer awareness measures are:

- ' **Avigation Easement Dedication** — A requirement for avigation easement dedication is usually applied only to new development. It is the most comprehensive and stringent form of buyer awareness measures. Although the rights associated with most avigation easements are established in other forms (e.g., local, airport-vicinity, height-limit zoning ordinances, and Federal Aviation Regulations), an avigation easement clearly conveys these rights to the airport owner.
- ' **Deed Notices** — Deed notices are similar to avigation easements in that they are recorded with the deed to a property and are usually implemented only in conjunction with some form of development approval process. Unlike easements, though, they do not convey any property rights. Deed notices serve only to formalize the fact that a property is subject to aircraft overflights and noise.
- ' **Real Estate Disclosure** — Real estate disclosure is the least formal method of implementing a buyer awareness program. It relies upon standard real estate disclosure laws and practices to ensure that prospective buyers of property in the airport vicinity are informed about the proximity of a nearby airport and the impacts it creates. The likelihood of this information being disclosed can be increased if the airport or the local land use jurisdiction provide official notification to local real estate brokers and title companies.

Noise

Nature of Compatibility Concerns

- Disruption of human activities (such as conversation, television watching, and sleep) by loud aircraft noise.

Land Use Measures Available for Addressing the Concerns

- Avoid land uses involving activities, particularly outdoor activities, which are sensitive to disruption by noise (and encourage uses which are themselves inherently noisy).
- Design buildings so as to reduce the intrusion of noise from outside (by, for example, minimizing the number of exterior windows or installing sound insulation).
- Construct sound barriers to reduce impact of engine run-ups and other ground-based aircraft noise.

Safety

Nature of Compatibility Concerns

- Risks to people and property on the ground in the event of an aircraft accident.
- Land use characteristics which may affect the survivability of an accident for occupants of an aircraft.

Land Use Measures Available for Addressing the Concerns

- Minimize the number of people occupying areas where accidents are most likely to occur.
- Avoid structures for which evacuation is difficult (multi-story buildings in particular).
- Avoid uses for which evacuation of occupants is difficult (for example, hospitals and children's schools).
- Design structures to reduce potential for small aircraft to penetrate the building in the event of a crash.
- Provide open areas in the airport vicinity where small aircraft can make a survivable emergency landing if necessary.

Airspace Protection

Nature of Compatibility Concerns

- Tall structures creating hazards to navigable airspace around airports.
- Visual hazards to flight (sources of smoke, glare, or lights which can be confused with airport lights).
- Electronic hazards to flight (interference with radio communication or navigation signals).
- Uses which can attract birds which aircraft might strike while in flight.

Land Use Measures Available for Addressing the Concerns

- Limit the heights of buildings, antennas, trees, and other tall objects in critical areas near airports.
- Avoid uses and facility designs which can create visual or electronic hazards to flight.
- Avoid uses (such as landfills) which attract birds close to airports.

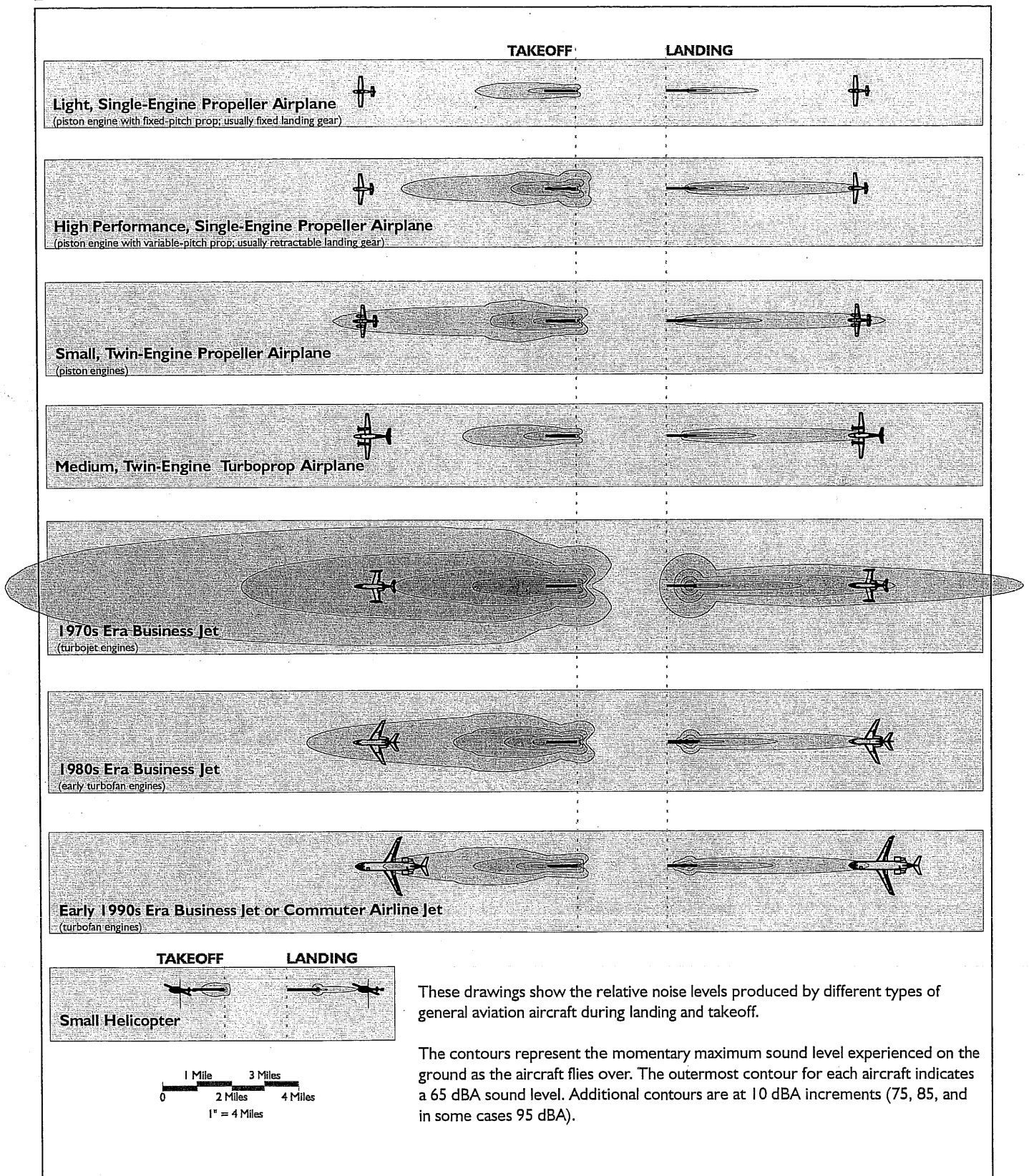
Overflight

Nature of Compatibility Concerns

- Human annoyance with frequent overflight of aircraft.

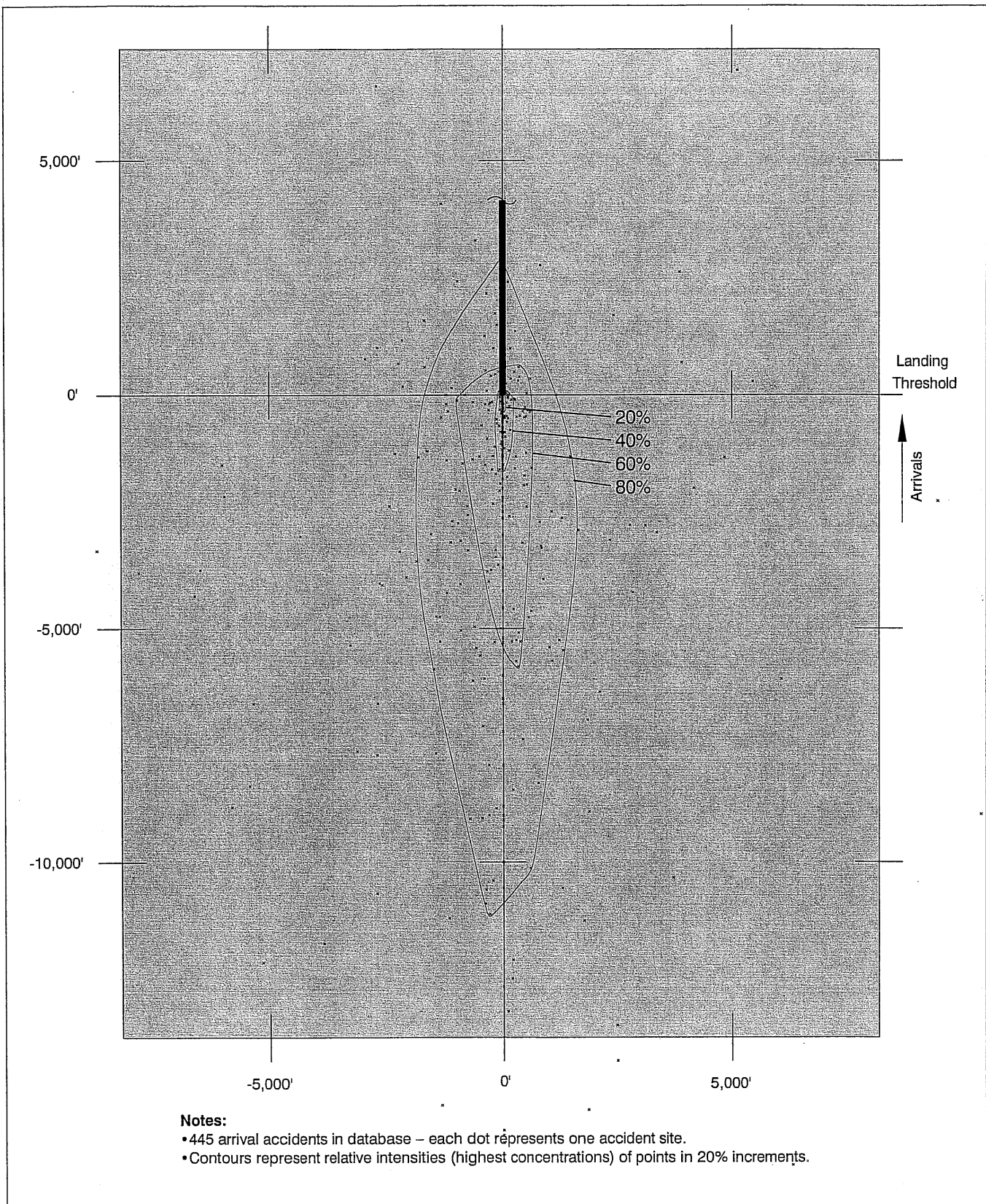
Land Use Measures Available for Addressing the Concerns

- Establish policies intended to inform prospective buyers of homes and other property in the airport vicinity that the neighborhood is subject to aircraft overflights and noise. Types of buyer awareness measures include:
 - Avigation easement dedication (as a condition for approval of a proposed new development).
 - Deed notice (recorded as part of the approval of a proposed new development).
 - Real estate disclosure (a recommendation to be implemented by real estate agents and sellers of property located within the airport influence area).



Appendix C2

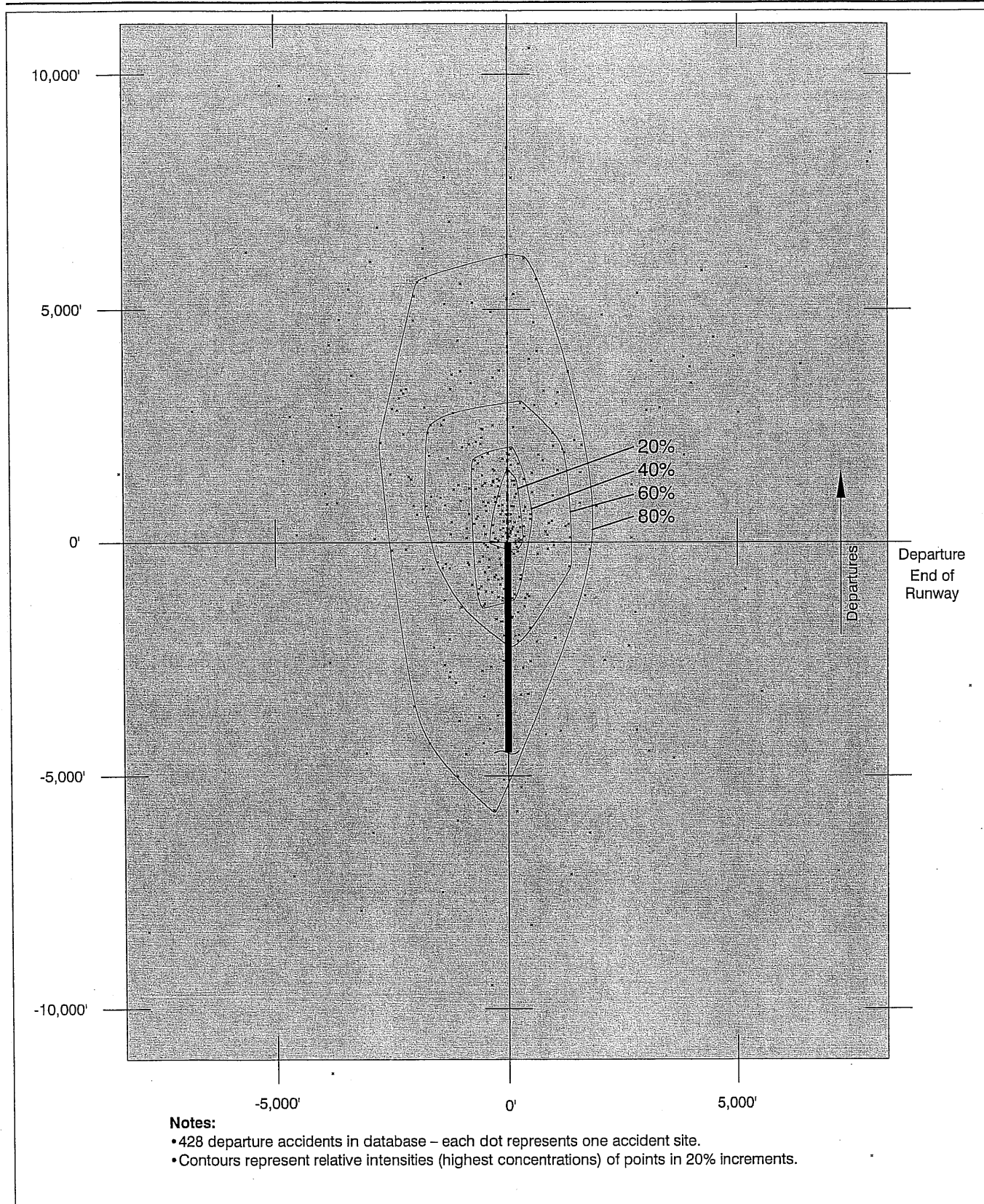
Noise Footprints of Selected Aircraft



Appendix C3

Aircraft Accident Risk Intensity

General Aviation Arrival Accidents



Appendix C4

Aircraft Accident Risk Intensity

General Aviation Departure Accidents

Compatibility Zone Boundary Determinants
Contra Costa County Airport Land Use Compatibility Plan

OVERVIEW

This appendix provides a brief description of the factors which serve to define the boundaries of the compatibility zones for Buchanan Field Airport and Byron Airport as depicted in Chapters 3 and 4, respectively.

BUCHANAN FIELD AIRPORT

Airport Configuration

The locations of the various compatibility zones included in this chapter are based upon the current and planned configuration of the Buchanan Field Airport runway system. This configuration is defined in the *Buchanan Field Airport Master Plan* adopted in 1990 and shown in the latest approved Airport Layout Plan drawing. A simplified diagram of the airport layout is presented as Exhibit 5B in Chapter 5.

Although no changes have been made to the physical length of the main runways, several modifications have occurred over the years with respect to the placement of the usable runway ends and the landing thresholds. No future changes are indicated on the Airport Layout Plan. The *Compatibility Plan* is therefore based upon the existing runway configuration.

As of April 2000, only Runway 19R has a straight-in instrument approach procedure. Three such procedures are available, all of which are nonprecision (providing course guidance, but no glide slope). The Airport Layout Plan anticipates future upgrading of Runway 19R to precision approach capabilities and establishment of nonprecision approaches to Runway 1L and Runway 32R. This potential is taken into account in the *Compatibility Plan*.

Airport Activity

The *Compatibility Plan* is based upon a forecast level of airport activity which might reasonably take place at the airport at some indefinite time in the future, consistent with the adopted *Airport Master Plan* and other county policies for the airport. The forecasts were updated from the *Airport Master Plan* for the purposes of the *Compatibility Plan*.

For compatibility planning purposes, the projected total air traffic activity level for Buchanan Field Airport is 320,000 aircraft operations (landings plus takeoffs) annually. This total volume is assumed to include up to 11,000 business jet operations, 90,000 helicopter operations (mostly for flight training),

and up to 20,000 operations by regional jet airline aircraft. Additional details are included in Exhibit 5C.

Airport Influence Area

The Buchanan Field Airport influence area established by this *Compatibility Plan* represents a combination of the areas within which noise, safety, airspace protection, and overflight concerns are land use compatibility factors.

Of these concerns, airspace protection and overflight are found to be the most geographically extensive. The specific boundaries depicted in Figure 3A of Chapter 3 coincide with the limits of the airport's conical surface defined in accordance with Part 77 of the Federal Aviation Regulations together with an extension to the northeast to protect airspace critical to the existing instrument approach procedures.

The area of influence encompasses the typical aircraft traffic patterns and other places routinely overflown at or below traffic pattern altitude by aircraft approaching and departing the airport. The areas of noise and safety concern described below lie fully within this boundary as well.

Noise Contours

The Buchanan Field Airport noise contours depicted in Figure 3B of Chapter 3 represent a composite of current and projected future noise impacts. As apparent from the exhibits in Chapter 5, the geographic extent of the current and future noise contours are very similar. However, in some places, the current contour set is larger and, in other places, the future contours are larger. Basing the noise policies on a composite set of contours ensures that the full extent of the airport's noise impacts are considered, regardless of the time frame.

An assessment of the differences in the size of the airport noise contours with and without extensive helicopter flight training activity and with and without scheduled airline service is contained in the noise impacts section of Chapter 5. In most locations, the differences are minimal.

Safety Zones

The Buchanan Field Airport safety zones and associated compatibility criteria set forth in Chapter 3 policies were developed from a combination of Federal Aviation Administration standards and the aircraft accident data and compatibility guidelines contained in the 1993 Caltrans *Airport Land Use Planning Handbook*. Specifically:

- ' **Safety Zone 1** — The dimensions of this zone are based upon FAA standards as reflected on the current Airport Layout Plan. Nearly all of the area is on airport property.
- ' **Safety Zone 2** — *Safety Zone 2* dimensions for the two primary runways are equal to those of FAA-defined runway protection zones for runways having low-visibility instrument approaches. Although

only one of the runway ends has or is planned for an instrument approach procedure of this type, this entire safety zone is nevertheless one for which land uses should be held to low intensities. Aircraft accident risk data (see Appendix C) indicates that about half of all off-runway general aviation aircraft accidents occur within an area of this size.

The FAA strongly encourages airport proprietors to prevent new development in runway protection zones, especially any uses involving large numbers of people. Furthermore, Caltrans *Handbook* guidelines recommend that uses such as schools, shopping centers, eating establishments, meeting halls, multi-story office buildings, labor-intensive manufacturing plants, and storage of flammable materials be prohibited within the locations immediately beyond the runway protection zones. The *Compatibility Plan* limits land uses to ones having no more than 30 people per acre within this zone.

The position of *Safety Zone 2* relative to each of the runway ends at Buchanan Field Airport takes into account the existence of displaced thresholds for landings and the defined end of the usable runway for takeoffs.

- < At the approach ends of Runways 19R and 32R, the displaced thresholds mark not only the landing end of the runway, but also the end of the usable runway for takeoffs in the opposite direction. The safety zone locations thus are set relative to the displaced threshold.
- < Runway 14L also has a displaced threshold, but aircraft taking off toward that end (on Runway 32R) can use the full length of the runway.
- < The approach end of Runway 1L has no displaced threshold or other restrictions. (However, note that, at the time the 1978 ALUC plan was adopted, the Runway 1L threshold was displaced 300 feet and this displacement was reflected in that plan.)

Safety Zone 3 — The dimensions and criteria for *Safety Zone 3* are based upon aircraft accident risk data and Caltrans guidelines. As evident from the data presented in Appendix C, the highest concentration of general aviation aircraft accident sites, particularly for arrivals, is along the extended runway centerline within a mile of runway ends. The *Contra Costa County Airport Land Use Compatibility Plan* establishes *Safety Zone 3* for Buchanan Field Airport Runways 19R and 32L, the two main runways used most heavily for landings. Additionally, a 300-foot long band of *Safety Zone 3* is established for the approach end of Runway 1L. This designation was selected in lieu of applying the much more restrictive *Safety Zone 2* criteria to the area affected by the past elimination of the Runway 1L displaced threshold. The Caltrans *Handbook* states that small shopping centers, two-story office buildings, and similar land uses are acceptable within this zone, but that higher intensity uses (ones having more than 60 to 100 people per acre) should be avoided within this area. The Contra Costa County plan's higher usage intensity criteria — 125 people per acre as a basic restriction and up to 250 people per acre if special risk reduction features are added to the affected buildings — reflect the fact that the area is already intensively developed. Similarly, *Safety Zone 3* focuses only on the most critical portion of the equivalent zone suggested by the *Handbook* and thus is smaller in size.

- ' **Safety Zone 4** — This final safety zone is also based upon Caltrans recommendations, although the *Compatibility Plan* criteria are less restrictive than those indicated in the state *Handbook*. The zone encompasses locations where aircraft routinely fly at less than traffic pattern altitude and thus the risks are somewhat higher than in the remaining portions of the airport environs. The only restriction in *Safety Zone 4* is on buildings having more than four habitable floors above ground. This criterion substitutes for a specific limitation on the number of people per acre. Ideally, land use intensities in this zone should be restricted more than the *Compatibility Plan* policies indicate, but the extent of existing urbanization makes it impractical to achieve that objective.

Airspace Protection Surfaces

Federal Aviation Regulations (FAR), Part 77, Subpart C, provides the basic set of criteria for limiting the heights of objects for protection of airport airspace. At airports which have instrument approach procedures, particularly nonprecision procedures, FAR Part 77 sometimes does not fully protect the airspace critical to these procedures. This latter airspace is defined by the *U.S. Standard for Terminal Instrument Procedures (TERPS)*. An analysis of the TERPS surfaces around Buchanan Field Airport conducted as part of the *Compatibility Plan* study determined that in the area to the northeast, additional protection is necessary to assure that tall objects do not adversely affect existing instrument approach procedures. The precise TERPS surfaces and allowable heights of objects are complex to depict and thus are not shown in Figure 3D (Chapter 3). However, within the area marked on Figure 3D as "Critical TERPS Airspace," any proposal to construct an object having an elevation more than 100 feet above sea level should be evaluated by the Federal Aviation Administration.

Note that TERPS surfaces also exist elsewhere around the airport, but objects would have to be substantially higher in order to impact the existing instrument approach procedures. Also, the boundaries of the Critical TERPS Airspace may need to be updated periodically as approach procedures are modified or new procedures established.

BYRON AIRPORT

Airport Configuration

The compatibility policies and maps for Byron Airport defined in Chapter 4 are predicated upon the airport configuration depicted in the airport layout diagram (Exhibit 6B in Chapter 6). This diagram is a simplified version of the current official Airport Layout Plan which in turn is based upon the *Airport Master Plan* adopted by the Contra Costa County Board of Supervisors in 1986, prior to the airport's construction.

Several improvements planned for Byron Airport are taken into account in land use compatibility planning for the airport's environs. Specifically:

- < Runway 12-30 will be extended 1,500 feet to the southeast, increasing its length to 6,000 feet.

- < Runway 5-23 will be extended 900 feet to the northeast, resulting in a total length of 3,900 feet.
- < The instrument approach procedure for Runway 30 will be upgraded from nonprecision to precision and a straight-in nonprecision approach procedure will be established on Runway 12.
- < The county will acquire in fee the property north of Armstrong Road (an area which includes a portion of the runway protection zone for Runway 12).
- < Approach protection easements will be obtained on other properties adjacent to the airport as illustrated on the Airport Layout Plan.
- < Additional aircraft parking and associated facilities and services will be added as necessary to meet demand up to the capacity indicated on the Airport Layout Plan.

Airport Activity and Noise Impacts

At present, total aircraft operations at Byron Airport are estimated at approximately 61,000 takeoffs and landings annually. Of this total, about 9,000 are by helicopters, most of which are training flights originating at Buchanan Field Airport. Approximately 120 aircraft were based at the airport as of early 2000.

Approved long-range development plans for the airport provide for a capacity of 400 aircraft parking spaces. About 20 spaces are set aside for transient aircraft and the remainder are for based aircraft. For the purposes of the *Compatibility Plan*, the ratio of airplane operations to based airplanes (omitting helicopter activity) can reasonably be assumed to remain constant over time. The 380 based airplanes, together with transient airplanes, would therefore generate approximately 165,000 operations annually. This activity level also is about the capacity of the airport's runway system, assuming minimal nighttime usage. If helicopter operations increase similarly, the total aircraft operations volume at Byron Airport would potentially reach 190,000 takeoffs and landings annually at some point in the future.

The preceding numbers served as the basis for the calculation of the future noise impact contours depicted in the Byron Airport Policies chapter (Chapter 4). The noise contour calculations assumed that the distribution of future activity by runway and time of day would remain unchanged from the present (current numbers were estimated from historical wind data and Caltrans Aeronautics Program sample activity counts). Traffic patterns are also assumed to remain as presently established on the northeast side of Runway 12-30 and the southeast side of Runway 5-23. These locations are necessitated by the high terrain to the west of the airport.

Airport Influence Area

Unlike for Buchanan Field Airport where compatibility zones are defined separately for noise, safety, airspace protection, and overflight, the individual compatibility zones for Byron Airport each reflects a combination of these four compatibility concerns. The overall Byron Airport influence area boundary for Byron Airport is in turn a composite of the individual compatibility zones described below. Airspace protection and overflight concerns are the driving factors which determine the size and shape of the influence area.

Compatibility Zone A

This critical area encompasses the runways, runway protection zones, and other locations inside the building restriction line indicated on the current Airport Layout Plan. The standards are defined in accordance with FAA criteria. Except on the northwest, *Zone A* is entirely on airport property.

Compatibility Zone B1

Zone B1 encompasses areas adjacent to and beyond the ends of the runways where noise and safety are both substantial concerns. The airport's projected 60 dB CNEL contour and much of the 55 dB CNEL contour are encompassed within this zone. In the portion of *Zone B1* beyond the runway ends, aircraft are regularly flying at altitudes less than 400 feet above ground level. Additionally, analysis of the Caltrans aircraft accident database indicates that over 60% of off-runway aircraft accidents, both on arrival and departure, take place within an area equivalent to *Compatibility Zones A* and *B1*.

Compatibility Zone B2

Noise and safety are both moderate concerns within *Zone B2*. The zone encompasses areas where aircraft are routinely at altitudes below the traffic pattern altitude (that is, less than 1,000 feet above the runway elevation). Although most of *Zone B2* lies beyond the airport's future 55 dB CNEL contour, noise from individual aircraft overflights can be substantial. With respect to safety, the Caltrans database indicates that roughly an additional 15% to 20% of aircraft accident risk is encompassed within *Zone B2*.

Compatibility Zone C1

Locations beneath most of the remainder of the standard airport traffic patterns are included within this zone. Aircraft overflight noise is a potential annoyance. Safety is a factor primarily with regard to particularly risk-sensitive activities such as schools and hospitals, plus uses such as major shopping centers which have high concentrations of people.

Compatibility Zone C2

In preliminary versions of proposed compatibility policies for Byron Airport, *Compatibility Zones C1* and *C2* were combined. *Zone C2* was created to allow for higher density residential development within the future Byron townsite core area proposed by the Byron Municipal Advisory Council. Although this location is beneath part of the airport traffic pattern and pattern entry route, the concept is that overflight annoyance would not become a significant issue if residential densities and thus ambient noise levels are high. The criteria for this zone thus require that residential densities either average at least 5 dwelling units per acre or be held to less than 0.2 dwelling units per acre. Even at the higher residential densities, safety is not regarded as a major concern. For nonresidential land uses, intensities are to be held to the same limits as in *Zone C1*.

Compatibility Zone D

This final primary compatibility zone includes other areas commonly overflowed by aircraft as they approach and depart the airport. Most of the outer boundary coincides with the outer edge of the FAR Part 77 conical surface. The long extension to the southeast takes into account the existing instrument approach procedure and potential future enhancements to that procedure. It also recognizes previous agreements with San Joaquin County regarding planned development of the town of Mountain House. Potential airspace obstructions from very tall structures and possible annoyance from aircraft overflights are the principal compatibility concerns.

Height Review Overlay Zone

This last zone reflects the fact that terrain west of the airport penetrates the established FAR Part 77 airspace surfaces. The zone covers land westward and uphill from the critical height restriction line shown on the existing Airport Layout Plan. The criteria allow structures up to 50 feet in height within this zone even if the result exceeds FAR Part 77 limits.

Methods for Determining Concentrations of People Contra Costa County Airport Land Use Compatibility Plan

One criterion used in the *Airport Land Use Compatibility Plan* is the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum density, it will be considered inconsistent with compatibility planning policies. This appendix provides some guidance on how the people-per-acre determination can be made.

The most difficult part about making a people-per-acre determination is estimating the number of people likely to use a particular facility. There are several methods which can be utilized, depending upon the nature of the proposed use:

- ' **Parking Ordinance** — The number of people present in a given area can be calculated based upon the number of parking spaces provided. Some assumption regarding the number of people per vehicle needs to be developed to calculate the number of people on-site. The number of people per acre can then be calculated by dividing the number of people on-site by the size of the parcel in acres. This approach is appropriate where the use is expected to be dependent upon access by vehicles.
- ' **Maximum Occupancy** — The Uniform or California Building Code can be used as a standard for determining the maximum occupancy of certain uses. The chart provided as Appendix E1 indicates the required number of square feet per occupant. The number of people on the site can be calculated by dividing the total floor area of a proposed use by the minimum square feet per occupant requirement listed in the table. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre.

Surveys of actual occupancy levels conducted by the city of Sacramento and other agencies have indicated that many retail and office uses are generally occupied at 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the number of people calculated for office and retail uses should usually be adjusted (50%) to reflect the actual occupancy levels before making the final people-per-acre determination.

- ' **Survey of Similar Uses** — Certain uses may require an estimate based upon a survey of similar uses. This approach is more difficult, but is appropriate for uses which, because of the nature of the use, cannot be reasonably estimated based upon parking or square footage.

Appendix E2 shows a sample calculation.

<u>Use</u>		<u>Minimum Square Feet per Occupant</u>
1.	Aircraft Hangars (no repair)	500
2.	Auction Rooms	7
3.	Assembly Areas, Concentrated Use (without fixed seats)	7
	Auditoriums	
	Churches and Chapels	
	Dance Floors	
	Lobby Accessory to Assembly Occupancy	
	Lodge Rooms	
	Reviewing Stands	
	Stadiums	
	Waiting Area	3
4.	Assembly Areas, Less Concentrated Use	15
	Conference Rooms	
	Dining Rooms	
	Drinking Establishments	
	Exhibit Rooms	
	Gymnasiums	
	Lounges	
	Stages	
	Gaming	11
5.	Bowling Alley (assume no occupant load for bowling lanes)	4
6.	Children's Homes and Homes for the Aged	80
7.	Classrooms	20
8.	Congregate Residences	200
9.	Courtrooms	40
10.	Dormitories	50
11.	Dwellings	300
12.	Exercising Rooms	50
13.	Garage, Parking	200
14.	Health-Care Facilities	80
	Sleeping Rooms	120
	Treatment Rooms	240
15.	Hotels and Apartments	200
16.	Kitchen — Commercial	200
17.	Library Reading Room	50
	Stack Areas	100
18.	Locker Rooms	50
19.	Malls	Varies
20.	Manufacturing Areas	200
21.	Mechanical Equipment Room	300
22.	Nurseries for Children (Day Care)	35
23.	Offices	100
24.	School Shops and Vocational Rooms	50
25.	Skating Rinks	50 on the skating area; 15 on the deck
26.	Storage and Stock Rooms	300
27.	Stores — Retail Sales Rooms	
	Basements and Ground Floor	30
	Upper Floors	60
28.	Swimming Pools	50 for the pool area; 15 on the deck
29.	Warehouses	500
30.	All Others	100

Source: California Building Code (1998), Table 10-A

Appendix E1

Occupancy Levels – California Building Code

- A. The proposal is for a 60,000-square-foot, two-story office building on 4 net acres (exclusive of roads). The local parking ordinance requires one parking space for every 250 square feet of commercial space. Assuming that the use would generate one person per vehicle, the following calculations would derive the number of people per acre.

Steps:

- 1) $60,000 \text{ sq. ft.} \div 250 \text{ people per vehicle/sq. ft.} = 240$ (people expected at any one time)
- 2) $240 \text{ people} \div 4 \text{ acres} = 60$ people per acre

Under this example, the use would be estimated to generate 60 people per acre. In zones with limits of 100 people per acre, the use would be considered compatible assuming all other conditions were met.

- B. The proposal is for a 12,000-square-foot store on a 63,000-square-foot parcel. Using the maximum occupancy table from the Uniform Building Code (Appendix E1) and applying the assumption that the building is occupied at 50% of maximum results in the following calculations:

Steps:

- 1) $63,000 \text{ sq. ft.} \div 43,560 \text{ sq. ft. (per acre)} = 1.45$ acres
- 2) $12,000 \text{ sq. ft.} \div 30 \text{ sq. ft./occupant} = 400$ (max. building occupancy)
- 3) $400 \text{ max. bldg. occupancy} \times 50\% = 200$ (people expected at any one time)
- 4) $200 \text{ people} \div 1.45 \text{ acre} = 138$ people per acre

Under this example, 138 people per acre would represent a reasonable estimate. In zones with limitations of 100 people per acre or less, the use would be considered incompatible.

- C. The proposal is for a 3,000-square-foot office on a 16,500-square-foot parcel. Again using the table in Appendix E1, but assuming the actual occupancy level is 50% of the maximum indicated by the UBC code, provides the following result:

Steps:

- 1) $16,500 \text{ sq. ft.} \div 43,560 \text{ sq. ft. (acre)} = 0.38$ acre
- 2) $3,000 \text{ sq. ft.} \div 100 \text{ sq. ft./occupant} = 30$ (max. building occupancy)
- 3) $30 \text{ people maximum building occupancy} \times 50\% \text{ (actual occupancy)} = 15$ people in the building at any one time
- 3) $15 \text{ people} \div 0.38 \text{ acres} = 39$ people per acre

Under this example, the use would be estimated to generate 39 people per acre. In zones with occupancy limits of 100, the use would be considered compatible assuming all other conditions were met.

Example People-Per-Acre Calculation

Sample Implementation Documents

Contra Costa County Airport Land Use Compatibility Plan

The responsibility for implementation of the compatibility criteria set forth in the *Contra Costa County Airport Land Use Compatibility Plan* rests largely with the affected local jurisdictions. Modification of general plans and applicable specific plans for consistency with the *Compatibility Plan* is the major step in this process. However, not all of the detailed policies necessary for achieving full general plan consistency are necessarily included in general plans and specific plans — many can be established through other documents. Also, certain of the buyer awareness measures required by the *Compatibility Plan* need to be implemented on a parcel-specific basis.

Airport Combining Zone Ordinance

One local option for compatibility criteria implementation is adoption of an airport combining zone ordinance. An airport combining zone ordinance is a way of collecting various airport-related development conditions into one local policy document. Adoption of a combining zone is not required by the *Compatibility Plan*, but only suggested as an option. Appendix F1 describes some of the potential components of an airport combining zone ordinance.

Buyer Awareness Measures

Buyer awareness is an umbrella category for several measures whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. *Contra Costa County Airport Land Use Compatibility Plan* policies include use of two such measures.

- ' **Avigation Easement** — Avigation easements go beyond mere buyer awareness by setting limitations on the heights of structures and other objects on the affected property. An avigation easement thus conveys to the airport owner not only rights associated with aircraft overflight of the property, but also the right to limit the height of objects and, after reasonable notice, the right to access the property in order to assure compliance with those limitations. As indicated in the plan policies, dedication of an avigation easement is an Airport Land Use Commission requirement for approval of land use development in critical locations including near Buchanan Field Airport where the FAR Part 77 surfaces are within 50 feet of the ground and near Byron Airport in *Compatibility Zones A* and *B1*. These all are locations where objects potentially must be restricted to heights less than often exists with similar land uses. A sample of a standard avigation easement is included in Appendix F2.
- ' **Deed Notice** — As used in the *Compatibility Plan*, a deed notice (Appendix F3) is similar to an overflight easement in that it only addresses overflight issues. Unlike an easement, however, a deed notice does not convey property rights from the property owner to the airport and it does not restrict the height of objects. It only documents the existence of certain conditions which affect the

property — in this case, the proximity of the airport and common occurrence of aircraft overflights at or below the airport traffic pattern altitude. Deed notices are requisite for project approval on parcels located within the cumulative 60 dB CNEL contour at Buchanan Field Airport and in *Compatibility Zones B2, C1, and C2* at Byron Airport.

An airport combining zone ordinance might include some or all of the following elements:

- **Airspace Protection** — A combining district can establish restrictions on the height of buildings, antennas, trees, and other objects as necessary to protect the airspace needed for operation of the airport. These restrictions should be based upon the current version of Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, Subpart C. Provisions prohibiting smoke, glare, bird attractions, and other hazards to flight should also be included.
- **FAA Notification Requirements** — Combining districts also can be used to ensure that project developers are informed about the need for compliance with the notification requirements of FAR Part 77. Subpart B of the regulations require that the proponent of any project which exceeds a specified set of height criteria submit a *Notice of Proposed Construction or Alteration* (Form 7460-1) to the Federal Aviation Administration prior to commencement of construction. The height criteria associated with this notification requirement are lower than those spelled out in Part 77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety.
- **Maximum Densities** — Airport noise and safety compatibility criteria are frequently expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be directly included in a combining zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the implications of the density limitations are not as clear.

One step that can be taken by local governments is to establish a matrix indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories will need to be more detailed than typically provided by general plan or zoning ordinance land use designations.
- **Designation of High Noise-Impact Areas** — California state statutes require that multi-family residential structures in high-noise exposure areas be constructed so as to limit the interior noise to a Community Noise Equivalent Level of no more than 45 dB. A combining district could be used to indicate the locations where special construction techniques may be necessary in order to assure compliance with this requirement. The combining district also could extend this criterion to single-family dwellings.
- **Open Areas for Emergency Landing of Aircraft** — In most circumstances in which an aircraft accident occurs near an airport, the aircraft is under control as it descends. When forced to make an off-airport emergency landing, pilots will usually attempt to do so in the most open area readily available. Airport compatibility plans often contain criteria establishing open space requirements for this purpose. These criteria are most effectively carried out by planning at the general or specific plan level, but may also need to be included in a combining district so that they will be applied to development of large parcels. Adequate open areas can often be provided by clustering of development on adjacent land.

Possible Airport Combining Zone Components

Areas of Special Compatibility Concern — A significant drawback of standard general plan and zoning ordinance land use designations is that they can be changed. Uses that are currently compatible are not assured of staying that way in the future. Designation of areas of special compatibility concern would serve as a reminder that airport impacts should be carefully considered in any decision to change the existing land use designation. [A legal consideration which supports the value of this concept is that down-zoning of a property to a less intensive use is becoming more difficult. It is much better not to have inappropriately up-zoned the property in the first place.]

Source: Shutt Moen Associates, based upon Caltrans Airport Land Use Planning Handbook (1993)

Appendix F1, continued

This indenture made this ____ day of _____, 20 __, between _____ herein-after referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the _____ Airport official runway end elevation of _____ feet Above Mean Sea Level (AMSL), as determined by [Insert name and Date of Survey or Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused or created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air, illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects, which extend into or above the Airspace; and
- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

Appendix F2

Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the _____ Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow in or upon the hereinabove described real property, nor will they permit to allow, any building structure, improvement, tree or other object which extends into or above the Airspace, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the _____ Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the _____ Airport, or in otherwise flying through said Airspace.

This grant of easement shall not operate to deprive the Grantor, its successors or assigns, of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said _____ Airport is the dominant tenement.

DATED: _____

STATE OF }
 ss
COUNTY OF }

On _____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and _____ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Notary Public

A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the *Contra Costa County Airport Land Use Compatibility Plan*. Such notice should be recorded by the county of Contra Costa County. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

The *Contra Costa County Airport Land Use Compatibility Plan* and Contra Costa County Ordinance (Ordinance No. _____) identify a [Insert County / City Name] [Insert Airport Name] Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to protection of the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to Contra Costa County population and economic growth. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

Sample Deed Notice

Comparison Between New and Old ALUC Plans Contra Costa County Airport Land Use Commission

OVERVIEW

The 2000 *Contra Costa County Airport Land Use Compatibility Plan* sets forth land use compatibility criteria for the environs of Buchanan Field Airport and Byron Airport. This new plan replaces separate plans previously adopted and subsequently amended by the Contra Costa County Airport Land Use Commission for each of the airports. The two original plans are:

- < *Buchanan Field Airport Land Use Policy Plan* (originally adopted 1978; last amended February 1984); and
- < *Comprehensive Land Use Plan: East Contra Costa County (Byron) Airport* (adopted April 1991).

The new plan changes not only the compatibility policies applicable to each of the airports in the county, but also the procedures by which the ALUC conducts compatibility reviews. Also, the 2000 document adds various background data regarding each airport and its environs.

Changes to the compatibility policies are largely based upon new noise and safety compatibility data and concepts which have become available over the last decade. The 1993 *Airport Land Use Planning Handbook* published by the Caltrans Aeronautics Program has served as a resource in development of the new compatibility plan for Contra Costa County. Many of the procedural policy modifications reflect changes in state law which have occurred over the same time frame. Major differences between the new and old plans are highlighted below.

COMPATIBILITY POLICIES

The new plan contains separate chapters establishing policies applicable countywide (Chapter 3), policies applicable only to the Buchanan Field Airport environs (Chapter 4), and policies pertaining to the Byron Airport environs (Chapter 5).

Countywide Policies

Most of the countywide policies are procedural in nature and are addressed in the separate section which follows. Among compatibility policies applicable to both airports, the following significant differences between the old and new plans are noted.

- **General Plan Consistency** — Policies in the new plan explicitly identify what constitutes consistency between the general plans of local jurisdictions and the ALUC's *Compatibility Plan*. The old plans for Buchanan and Byron provide no equivalent guidance.

- ' **Special Conditions** — The manner in which the *Compatibility Plan* is intended to apply to non-conforming uses, reconstruction, approved but not yet built development, and other special conditions are outlined in new policies.
- ' **Risk Reduction through Building Design** — If certain conditions are met, the new plan allows for a more intensive use of buildings (more people per acre) than would otherwise be considered acceptable. This "intensity bonus" requires that special provisions to help reduce the risk to building occupants in the event of an aircraft accident be incorporated into the building design. In certain locations, this policy allows a higher usage intensity than permitted under the old plans.

In addition to the above, the new plan contains policies for use by the ALUC in evaluating future master plans for the two airports. Policies for ALUC review of proposals for development of public- or special-use heliports are included as well. ALUC review of these types of actions is mandatory under state law.

Buchanan Field Airport Policies

Both the old (1984) and new ALUC compatibility plans for Buchanan Field Airport primarily define the airport's influence area in terms of the outer boundary of the conical zone established in accordance with Part 77 of the Federal Aviation Regulations. The new plan also includes within the airport influence area an extension to the northeast which is provided for the purposes of protecting the primary instrument approach procedure flight paths.

Noise and Overflight Policies

- ' **Noise Contours** — Buchanan Field Airport noise contours were updated as part of the study which led to preparation of the new *Compatibility Plan*. For the purposes of compatibility planning analyses, the new plan uses a composite set of noise contours. These composite contours are derived from current and projected future noise contours and reflect whichever is greater in any given location. Compared to the contours depicted in the 1984 compatibility plan, the new composite contours are smaller in most locations.
- ' **Acceptable Noise Levels** — In both the old and new plans, new single-family residential, duplex, and mobile home residential uses are normally acceptable at noise exposures up to 55 dB CNEL and conditionally acceptable at exposures between 55 and 65 dB CNEL. New multi-family residential uses, motels and hotels, schools, libraries, churches, hospitals, and nursing homes are normally acceptable at noise exposures up to 60 dB CNEL and conditionally acceptable at exposures up to 65 dB CNEL.
- ' **Interior Noise Levels** — The currently adopted ALUC policy for land uses in a conditionally acceptable CNEL range requires that interior noise levels "be within an acceptable limit." This criterion is not defined, however. State law requires that residential interior noise levels from aviation-related sources be no higher than 45 dB CNEL. The state law, though, applies only to multi-family dwellings, not single-family. The proposed 45 dB criterion is consistent with 60 dB CNEL as the

maximum normally acceptable exterior noise level for residential land uses. Standard residential construction meeting current energy efficiency standards will provide 15 dB of sound attenuation with windows partially open and at least 20 dB with windows closed.

Also, this criterion is less restrictive than the Contra Costa County Noise Element policy (11-5) of limiting interior noise levels from single events such as aircraft overflights to a maximum of 50 dBA at any time for bedrooms and 55 dBA for other habitable rooms. Maximum noise levels can be 35 dB higher than the Community Noise Equivalent Level at the same location for many of the aircraft operating at the airport and even higher for the loud, 1970s era business jets.

- **Deed Notices** — The new plan continues the adopted ALUC policy of requiring a deed notice to be recorded as a condition for approval of any new development within the 60 dB CNEL contour. The notice is to indicate that the property is subject to frequent noise intrusion.

Safety Policies

- **Safety Zone 1** — This zone permits no new structures other than aeronautical facilities which must be located near a runway. The zone dimensions are based upon FAA standards as reflected on the current Airport Layout Plan. In concept, *Safety Zone 1* is equivalent to the Clear Area established under the old ALUC policies, although the dimensions are somewhat different. In any case, nearly all of the area is on airport property.
- **Safety Zone 2** — The new *Safety Zone 2* is equivalent to the Safety Zone included in the old ALUC plan and has the same criteria. The difference between this zone and the old ALUC safety zone is that the locations are adjusted to reflect the current runway end and displaced threshold positions and runway usage patterns. For the approach end of Runway 14L (northwest), the result is that *Safety Zone 2* moves 500 feet farther from the runway. Similarly, *Safety Zone 2* at the approach end of Runway 1L (southwest) shifts outward by 300 feet. In the latter case, though, the length of the zone has been correspondingly reduced and the outer 300 feet placed in *Safety Zone 3*. An opposite effect occurs at the approach ends of Runways 19R (northeast) and 32R (southeast): these safety zones move inward by 300 feet and 50 feet, respectively.
- **Safety Zones 3 and 4** — These zones are added based upon accident risk data and compatibility guidelines included in the Caltrans *Airport Land Use Planning Handbook*.

Airspace Protection Policies

- **Basic Height Limits** — Except in some locations northeast of the airport where greater restrictions are necessary in order to protect the existing instrument approach procedure, height limits under the new plan are the same as in the old plan. The basic limits under both plans are set in accordance with Part 77 of the Federal Aviation Regulations. The additional restrictions are based upon the *United States Standard for Terminal Instrument Procedures (TERPS)*.
- **Height Exception Overlay Zones** — The criteria for each of these zones are the same in both the old and new plans (the language has been modified to improve clarity, however).

- ‘ **Case-Specific Exceptions** — Both the old and the new plans allow exceptions to the basic height limits on a case-by-case basis. The new policy, though, explicitly requires evaluate of any exception’s effect on potential future instrument approach procedures, not just existing ones.

Byron Airport Policies

In both the old (1991) and the new compatibility plans, the overall airport influence area boundary is primarily defined by the outer edge of the FAR Part 77 conical zone, extending 14,000 feet from the end of the northwest/southeast runway’s primary surface. The new plan adds a 25,000-foot long extension to the southeast encompassing the principal instrument approach procedure flight path. This corridor affects Alameda and San Joaquin counties.

The types of land uses allowed within the airport influence area vary substantially between the two plans. The 1991 compatibility plan limits all land uses within the FAR Part 77 horizontal zone (10,000 feet from the northwest/southeast runway’s primary surface) to open space activities. A minimum parcel size of 5.0 acres is generally required.

Minimum parcel size requirements under the new plan are more varied. Within *Compatibility Zone B1*, new residential lots are not permitted. In any case, most of this zone is on airport property. *Zone B2*, which comprises the runway approaches zones, requires lots sizes to average 10 acres or more. Most of the remainder of the land within the 10,000-foot radius lies within *Zone C1* and requires residential lots to average at least 5.0 acres in size. This latter criterion represents a slight relaxation of the old criterion in that individual lots can be as small as 2.5 acres as long as the average is at least 5.0 acres. Another relaxation of the old policy occurs within *Zone C2*, northeast of the airport, where a high-density option — at least 5.0 dwelling units per acre — is also provided.

With respect to nonresidential development, the new plan is significantly more lenient than the previous document. Although limitations on the intensity of usage are established, the new plan allows commercial and industrial land uses within all zones except *Zone A*. As noted above, the old plan allows only open space uses.

The final new compatibility zone, *Zone D*, does not restrict land usage other than with regard to uses which could create hazards to flight. Disclosure of the airport’s proximity as part of real estate transactions is recommended, however.

The new and old plans are comparable with regard to height limitation criteria.

PROCEDURAL POLICIES

Neither of the old compatibility plans — for Buchanan or Byron — contain policies intended to guide the ALUC through the process of project review. Procedural policies are included in Chapter 2 of the new plan.

Most significant among the new procedural policies is identification of which types of land use and airport-related actions are required to be reviewed by the ALUC. ALUC review of certain types of actions — particularly general plan and zoning changes — is mandatory under state law. On the other hand, once a community's general plan is fully consistent with the ALUC's *Compatibility Plan*, submittal of other types of land use actions for ALUC review is done only by agreement between the Commission and the affected jurisdictions. The new policies list a set of major land use actions which, because of the potential compatibility concerns involved, the ALUC requests be submitted for review. Initial review of these types of actions would be conducted by ALUC staff and forwarded to the Commission only if significant compatibility issues are apparent.

Another procedural matter covered in the new plan is the types of information to be submitted to the commission in conjunction with a project review.

Local Plans Consistency Review
Contra Costa County Airport Land Use Compatibility Plan

CONSISTENCY REQUIREMENTS

As indicated in Chapter 1, state law requires each local agency having jurisdiction over land uses within an airport land use commission's planning area to modify its general plan and any affected specific plans to be consistent with the ALUC's compatibility plan. The local agency must take this action within 180 days of when the ALUC adopts or amends its plan. Alternatively, a local agency can override the ALUC by a two-thirds vote after first holding a public hearing and making findings that the agency's plans are consistent with the intent of state law.

To facilitate the general plan consistency process, this appendix contains an overview of the consistencies and conflicts between policies set forth in this *Contra Costa County Airport Land Use Compatibility Plan* and the current general plan and applicable specific or community plans of the four local jurisdictions within Contra Costa County which are affected by the plan:

- < County of Contra Costa
- < City of Concord
- < City of Martinez
- < City of Pleasant Hill

Also included here are assessments of the general plans of the two other counties — Alameda and San Joaquin — whose territory overlaps the influence area of Byron Airport. The jurisdiction of the Contra Costa County ALUC does not extend into these two adjacent counties. The *Compatibility Plan* nevertheless encourages the cooperation of Alameda and San Joaquin counties in compliance with the compatibility policies set forth in the plan.

A final entity which has conducted land use planning for lands within the influence area of Contra Costa County airports is the Byron Municipal Advisory Council (MAC). In its role of providing land use planning advice to the county Board of Supervisors, the council has developed a general plan for lands in the southeastern corner of the county. An evaluation of the council's plan as it relates to the *Compatibility Plan* is included in this appendix.

The analysis which follows includes issues noted by each jurisdiction based upon preliminary compatibility policy recommendations discussed during the course of the *Compatibility Plan* preparation. Although all major points of conflict are believed to be identified here, each jurisdiction will need to conduct a more systematic review in conjunction with the process of making general plan modifications. The final step in this process for each jurisdiction will be to submit proposed general plan changes and other implementing actions to the ALUC for concurrence that the requirements for consistency with the *Compatibility Plan* have been met.

The emphasis in this review is on comparing the adopted local land use designations with the compatibility criteria set forth in Chapter 3 for Buchanan Field Airport and Chapter 4 for Byron Airport. Other elements of the general plans (the noise elements in particular) also need to be consistent with countywide policies listed in Chapter 2. With regard to land use designations, consideration is given to whether the designation is for future development or merely reflects existing uses.

Where a local plan's land use designation represents an existing use, changing the designation is not required for the purposes of consistency with the *Compatibility Plan*. The existing development could remain as a nonconforming use as indicated in the plan policies. Any future redevelopment of the property, however, would need to be consistent with *Compatibility Plan* criteria.

Also included within this appendix is a checklist of general plan consistency requirements. The checklist (Appendix H6) sets forth the types of modifications or additions to a community's general plan and/or separate implementation documents which are necessary in order for that plan to be fully consistent with the *Compatibility Plan*. This checklist is not included in the *Compatibility Plan* as ALUC policy, but to provide guidance to local jurisdictions in implementation of ALUC policies.

Listed items are divided into two groups: compatibility criteria; and project review procedures. The compatibility criteria portion of the checklist served as the basis for the consistency reviews included on the following pages of this appendix, but includes items which may not have been fully assessed in the consistency evaluation. The project review procedures portion is intended to amplify Countywide Policy 2.4.3(b) which requires that the jurisdictions affected by this plan indicate the procedures they will use in evaluation of proposed airport-area land use development to assure compliance with the compatibility criteria set forth herein.

COUNTY OF CONTRA COSTA

Contra Costa County has jurisdiction over some land in the vicinity of Buchanan Field Airport and most of the land around Byron Airport.

- ' **Land Use Designations, Buchanan Field Airport Vicinity** — Unincorporated areas in the vicinity of Buchanan Field Airport include the airport itself, the community of Pacheco to the west, and the predominantly industrial and open space lands to the north.
 - < *Noise Compatibility:* There are no direct conflicts between the ALUC's Buchanan Field Airport noise compatibility criteria and planned land uses in the airport vicinity. No existing or planned future residential uses lie within the composite 65 dB CNEL contour depicted in Chapter 3 of the *Compatibility Plan*. Part of the mobile home park property west of the airport lies within the 55 dB CNEL contour and thus would be regarded as marginally acceptable if it were to be proposed as a new development today.
 - < *Safety Compatibility:* The safety zones which extend into unincorporated area lie to the northwest (Runway 14L approach end) and to a lesser extent to the northeast (Runway 19R

approach end). The only land use designations within these areas are industrial, public, and open space. None of these designations conflict with the safety compatibility criteria.

However, certain specific types of land uses which would be consistent with the county's land use designation might be unacceptable in some of the safety zones. Restrictions should be established through zoning or some other mechanism to assure that uses involving large numbers of people or which otherwise represent high risks or pose hazards to flight are not developed within the affected locations.

- ' **Land Use Designations, Byron Airport Vicinity** — Except for areas beyond the Contra Costa County boundaries, all of the land within the Byron Airport influence area is in unincorporated Contra Costa County jurisdiction. Nearly all of this land is designated in the *General Plan* as agricultural and open space. Furthermore, the Transportation and Circulation Element (Policy 5-53) specifically states that "establishment of commercial, industrial, or residential development" will not be allowed around the airport. The agricultural designation is basically consistent with the *Compatibility Plan*. However, certain types of uses allowed within the agricultural designation could pose compatibility conflicts:
 - < Some uses are allowed upon issuance of a use permit which could conflict with the criteria for certain compatibility zones. Food processing facilities, for example, might exceed the intensity (people per acre) standards for *Zones B1* and *B2*.
 - < The minimum parcel size requirement for agricultural lands varies depending upon the zoning designation. In some locations near Byron Airport, the parcels can be as small as 5 acres (A-2 zoning). This zoning conflicts with *Compatibility Zone B2* criteria which require a minimum 10-acre parcel size (see Appendix H1 map). Also, any lots splits for residential purposes would be unacceptable in *Compatibility Zone B1*. Most of the latter parcels, though, are depicted on the adopted Byron Airport Layout Plan for future acquisition of either fee title or approach protection (development rights) easements. The intent to acquire "an appropriate amount of buffer land" around the airport is also noted in the county *General Plan*.

A final potential conflict between *Compatibility Plan* criteria and current zoning involves the Byron Hot Springs property north of the airport. The recreational (F-R) zoning on this property allows such uses as hotels, golf courses, and related activities as well as 0.5-acre single-family residential development. Some of these uses conflict with the criteria for *Compatibility Zones B1, B2, and C1*, all of which are present on the property.

- ' **Noise Compatibility Policies**
 - < The matrix (Figure 11-6) in the county's *General Plan* Noise Element indicates that single-family residential is normally acceptable at exposures up to 60 dB CNEL and conditionally acceptable up to 70 dB CNEL. These limits are 5 dB higher than the ALUC criteria. For Byron Airport, the Transportation and Circulation Element (Policy 5-56) modifies the Noise Element policy by indicating that "no residential development or sensitive receptors, e.g., hospitals, schools, etc., shall be allowed within the projected 60 CNEL noise contour ..." This criterion also is 5 dB higher than the corresponding ALUC policy.

- < Noise Element policy 11-5 requires that any residential development exposed to aircraft-related noise in excess of 65 dB DNL (which is equivalent to CNEL) must reduce interior noise to a maximum *single-event* level of 50 dBA in bedrooms and 55 dBA in other habitable rooms. The ALUC policy sets the maximum interior noise level at 45 dB CNEL within living or sleeping areas of residences, hotels and motels, and other noise-sensitive uses. For locations within the 65 dB CNEL contour, the county's criterion for maximum interior noise levels, because it is based upon single-event rather than cumulative (CNEL or DNL) exposure, is more restrictive than the ALUC criterion. No existing or proposed residential land uses are exposed to this level of noise impact near either airport, however. For locations exposed to lower levels of noise, the ALUC's 45 dB CNEL interior noise level standard can be met through normal construction if noise-sensitive uses are avoided within the 60 dB CNEL contour. (It should be noted, though, that residences exposed to just 60 dB or even 55 dB CNEL probably would not meet the county Noise Element test of a 50 dBA maximum single-event interior exposure.) In sum, although somewhat inconsistent internally, the county's interior noise level criteria are basically consistent with the ALUC's noise compatibility policies.
- < The Transportation and Circulation Element requires that, for any development project within the 60 dBA CNEL contour of Buchanan Field Airport, a notice shall be attached to the deed, lease, or other such agreements describing that the property is subject to aircraft overflight and associated noise impacts. This policy is the same as the ALUC policy for Buchanan Field Airport and should be expanded to apply to any future development within *Compatibility Zones B2, C1, and C2* around Byron Airport.
- ' **Safety Compatibility Policies** — Transportation and Circulation Element policy (5-63) mirrors the ALUC's Buchanan Field Airport safety zone policies as established in the 1984 compatibility plan. The county policy should be updated to reflect the revised safety zones of the 2000 ALUC plan.
- ' **Airspace Protection Policies** — The Transportation and Circulation Element (Policies 5-57 and 5-58) specifies that structural heights in the vicinity of each airport are to be limited in accordance with Federal Aviation Regulations, Part 77, criteria and the latest layout plan for the respective airport. Greater restrictions may be applied if the ALUC deems such restrictions to be necessary for the purposes of safety. The latter provision addresses the need for protection of the critical instrument approach (TERPS) airspace northeast of Buchanan Field Airport as indicated in the *Compatibility Plan*. No *General Plan* policy changes are necessary for consistency with the *Compatibility Plan*. Updating of the associated airport height limit zoning ordinance which implements this policy would nonetheless be worthwhile.
- ' **Relationship to ALUC** — The *General Plan* Transportation and Circulation Element (Policy 5-59) specifies that the following types of "projects involving new construction or a building exterior alteration" near either county airport are to be submitted to the ALUC for review:
 - < Projects which "would increase building height within the Airport Land Use Commission Planning Area and would exceed the height limits of the structural heights limit plan;"
 - < Projects which are "over two stories in height and within 3,000 feet of the side or end of any runway;"
 - < Projects which are "within the 60 dBA CNEL noise contour;"

- < Projects which are “within the safety zones;” and
- < Projects which “require approval or permit.”

Although not explicitly stated, the latter item can be interpreted as covering the statutory requirement that actions such as general plan amendments and zoning changes be submitted to the ALUC for review. Continued county submittal of the other types of actions included in the above list is encouraged. The county is also encouraged to submit other major land use actions as listed in the *Compatibility Plan*.

CITY OF CONCORD

The city of Concord jurisdiction includes lands northeast, east, and south of the Buchanan Field Airport. Land use policies, including policies concerning compatibility with the airport, are addressed in the *City of Concord General Plan* adopted by the city council in July 1994 and subsequently amended several times.

- ' **Land Use Designations** — Land use designations indicated on the *General Plan* land use map are basically consistent with the ALUC compatibility criteria.
 - < *Noise Compatibility:* Most city land which lies within the airport’s composite 55 dB CNEL contour is designated for commercial or industrial uses. The only residential land uses within this contour are to the northeast in the Hillcrest neighborhood and a high-density area to the southeast, west of the city center. Additionally, the composite 60 dB CNEL contour takes in some industrial land and the western corner of the Hillcrest neighborhood. Although these uses are regarded as only marginally acceptable, the development is existing and thus not in conflict with the *Compatibility Plan*.
 - < *Safety Compatibility:* City land use designations within the *Compatibility Plan* safety zones include light industrial (industrial/business park), high-intensity (regional) commercial, office, and public. (See Appendices H2, H3, and H4 for detailed maps of the northeast, southeast, and southwest safety zones.) Although these designations do not represent direct conflicts with safety compatibility criteria, many of the specific uses common in these categories exceed the intensity criteria for *Safety Zone 2* and, to a lesser extent, the criteria for *Safety Zone 3*. Very little vacant land remains within the affected areas. However, to the extent that any new development or redevelopment occurs within these locations in the future, city policies — either in the *General Plan* or implementing ordinances — should assure compliance with the applicable *Compatibility Plan* policies.
- ' **Noise Compatibility Policies** — The *General Plan* Public Health and Safety Element indicates that residential land uses (including hotels, motels, nursing homes, and hospitals) are normally acceptable at airport-related noise exposures up to 55 L_{dn} and conditionally acceptable within the 55 to 65 L_{dn} range. These criteria are equal to those of the ALUC for single-family residential and more restrictive for the other uses. For interior noise levels in residential and related uses, the city

standards are 40 dB L_{dn} and 50 dBA maximum for single events. Again, these criteria are equal to or more stringent than the *Compatibility Plan* criteria. The *General Plan* incorporates the Buchanan Field Airport noise contour map by reference. In the future, the composite noise contours included in the *Compatibility Plan* should be used.

- ' **Safety Compatibility Policies** — The Land Use Element of the *Concord General Plan* duplicates the ALUC safety zone policies as originally established in the 1984 Buchanan Field Airport compatibility plan. The new *Compatibility Plan* adjusts the position of *Safety Zones 1* and *2*, but maintains the same compatibility criteria within the zones. These changes affect only a tiny area within the city of Concord and, for most of these locations, the result is a slight reduction in restrictions.

Safety Zones 3 and *4* are not reflected in the city's current policies. Compliance with the intensity and building height criteria for these zones would restrict development and/or redevelopment potential within some portions of the city, particularly to the southeast. To be consistent with the *Compatibility Plan*, the city's *General Plan* and/or implementing ordinances would need to be modified to incorporate the compatibility criteria for *Safety Zones 3* and *4* as applied to any future new development or redevelopment.

- ' **Airspace Protection Policies** — Except for a small area of the city affected by critical TERPS airspace northeast of the airport, the city's airport-related height limit policies are the same as those in the *Compatibility Plan*.
- ' **Relationship to ALUC** — The city of Concord has incorporated into its own *General Plan* the ALUC compatibility criteria which were in effect at the time of the *General Plan* adoption. Because of this consistency between the *General Plan* and the previous compatibility plan, the only actions which the city has been obligated to refer to the ALUC are *General Plan* amendments, zoning changes, and other projects which involve a modification or variance to the compatibility criteria. The *General Plan* does not specifically mention this point, but does indicate that two types of development are to be submitted for ALUC review prior to city action. These are:
 - < Any development within the defined runway clear areas (most of which is on airport property or within the Walnut Creek channel); and
 - < Development which would have a height exceeding the height limit surfaces as established in accordance with Federal Aviation Regulations, Part 77, and modified by the special study area provisions applicable to the city's downtown area.

If the city revises its *General Plan* and applicable zoning ordinances for consistency with the updated ALUC *Compatibility Plan*, the city can continue to conduct internally most airport compatibility reviews of proposed development. Even if this action is taken, the city is encouraged to send major land use actions to the ALUC for advisory review as noted in the *Compatibility Plan*.

CITY OF MARTINEZ

Much of the western portion of the Buchanan Field Airport influence area falls within the Martinez city limits. However, neither the airport noise contours nor the safety zones extend into the city. The current *Martinez General Plan* was originally adopted in 1973, but has been amended on numerous subsequent occasions. Also, the city has adopted specific plans for the Alhambra Hills, John Muir Parkway, and Hidden Hills areas, all of which are situated partially within the Buchanan Field Airport influence area.

- ' **Land Use Designations** — The ALUC *Compatibility Plan* places no residential density or nonresidential intensity limitations on the Martinez portion of the airport influence area. Consequently, there are no conflicts between the *Compatibility Plan* and the city's land use designations.
- ' **Noise Compatibility Policies** — The city's *General Plan* does not establish any airport-related noise compatibility policies and none are necessary for consistency with the *Compatibility Plan*.
- ' **Safety Compatibility Policies** — Similarly, the Martinez *General Plan* does not establish any airport-related safety compatibility policies and none are necessary for consistency with the *Compatibility Plan*.
- ' **Airspace Protection Policies** — Protection of the airport airspace is the one compatibility concern applicable to the city of Martinez. Areas within the city limits on either side of Highway 4 west of the airport are situated on high ground which exceeds the airspace surfaces defined by FAR Part 77. The *Compatibility Plan* allows for this topography by exempting any objects less than 45 feet in height within the area defined as *Height Exception Overlay Zone 2*. Because most of the affected area is designated for residential or open space uses which have lower height limits, compatibility conflicts are not normally likely to occur. Tall structures such as antennas could pose an airspace hazard, however. The city should adopt a *General Plan* policy or an airport-related height limit ordinance to assure that airspace issues are addressed with regard to any proposed construction of this type.
- ' **Relationship to ALUC** — Although the potential for conflicts between city of Martinez land use development and ALUC compatibility policies are minimal, the city is nevertheless required by state law to submit for ALUC review any *General Plan* amendments and zoning changes affecting the portion of the city which lies within the airport influence area. The city's *General Plan* or other policy document should make note of this review requirement.

CITY OF PLEASANT HILL

The Pleasant Hill city limits includes most of the area southwest of Buchanan Field Airport, including the approach corridor for Runways 1L and 1R. The city's land use planning for this area is reflected in its *General Plan* and accompanying map adopted in October 1990.

- ' **Land Use Designations** — None of the city land use designations conflict directly with ALUC compatibility criteria. However, some uses are only marginally compatible with airport activities or must be limited in intensity in order to be compatible. Specifically:
 - < *Noise Compatibility:* The *Compatibility Plan* regards residential land uses as only marginally acceptable within locations exposed to noise levels in the 55 to 65 dB CNEL range. Portions of two subdivisions fall within the composite 55 to 60 dB CNEL impact area and a few homes are just inside the 60 dB contour. Also, the northeast corner of Diablo Community College is inside the 60 dB CNEL contour and the 65 dB contour encompasses part of a shopping center southwest of the airport. If these uses were not already existing, then they potentially would require special construction features in order to assure that interior noise levels do not exceed acceptable levels.
 - < *Safety Compatibility:* A portion of the existing (Target) shopping center at the northwest corner of Contra Costa Boulevard and Chilpancingo Parkway is situated within *Safety Zone 2*. Some of this center had been within the former safety zone, but adjustments to the zone boundaries as part of the updated *Compatibility Plan* result in somewhat more of the facilities being affected (see Appendix G3 map). The criteria (both old and new) for *Safety Zone 2* limit land uses to a maximum of 30 people per acre. Any future redevelopment of the shopping center thus would need to be designed so as to keep the affected area in low-intensity usage, such as automobile parking. Most of the remainder of the shopping center, plus other retail land uses and part of the community college lie within *Safety Zone 4*. The principal safety compatibility restriction for this zone is a limitation on building heights to no more than four aboveground habitable floors. Current city regulations are more restrictive.
- ' **Noise Compatibility Policies** — The Community Health and Safety Element indicates that single-family residential land uses are normally acceptable at noise exposures up to 55 dB CNEL and conditionally acceptable in the 55 to 65 dB CNEL range. This standard is the same as in the ALUC *Compatibility Plan*. For interior noise levels, the city uses 45 dB CNEL criterion for new single family residential development. This is the same criterion as in the state noise insulation standards and in the ALUC plan.
- ' **Safety Compatibility Policies** — The city's *General Plan* incorporates the safety zone boundaries and criteria from the 1984 ALUC plan. For consistency with the new *Compatibility Plan*, the city's plan will need to be updated to reflect the revised *Safety Zone 2* location for Runway 1L plus the establishment of *Safety Zone 4*.

- ' **Airspace Protection Policies** — City policy limits building heights in accordance with ALUC policies and FAR Part 77 standards. The city policy allows objects up to 45 feet in height in locations where the ground exceeds the Part 77 criteria. These city policies are consistent with the *Compatibility Plan*. It is noted, though, that a map (VIII-10) in the Community Health and Safety Element protects for a 50:1 approach surface on Runway 1L which is more restrictive than the 34:1 slope indicated in the ALUC plan.
- ' **Relationship to ALUC** — The *General Plan* states that all proposed general plan and zoning ordinance amendments, specific plans, and variances to maximum structural height requirements affecting lands within the ALUC planning area are to be referred to the ALUC for review. This policy is consistent with state law and *Compatibility Plan* policies. The city is encouraged also to refer any proposed major land use actions as listed in the *Compatibility Plan*. Such reviews are advisory provided that the *General Plan* is fully consistent with the *Compatibility Plan*.

OTHER AFFECTED JURISDICTIONS

County of Alameda

The southern portion of the Byron Airport influence area extends into the northeast corner Alameda County. The affected area includes pieces of *Compatibility Zones B2, C1, and D*.

Although the Contra Costa County ALUC has no jurisdiction in adjacent counties, the *Compatibility Plan* requests the cooperation of Alameda County in maintaining compatible land uses in the affected areas within its boundaries. The *County of Alameda East County Area Plan* Land Use Diagram, adopted in May 1994, places all of the county's northeast corner in a large parcel (100-acre minimum) agricultural category. From an airport land use compatibility standpoint, this designation is ideal. Given this status, the one potential compatibility concern is that future, taller, wind turbine generators could become airspace hazards. Alameda County staff has coordinated with the Contra Costa County ALUC and Byron Airport management regarding this issue in the past and is expected to continue to do so when necessary in the future.

County of San Joaquin

The southeastward instrument approach corridor extension of the Byron Airport influence area crosses through Alameda County and into the western edge of San Joaquin County. The two compatibility policies which would be applicable in this area, if it were within the Contra Costa County jurisdiction, address airspace protection and overflight annoyance issues. Specifically, airspace review is required to assure that objects taller than 100 feet in height do not constitute hazards to flight. Secondly, information regarding the airport's proximity and the occurrence of aircraft overflights should be disclosed as part of real estate transactions.

The affected area encompasses a portion of the new town of Mountain House which is currently under development. The *Mountain House New Community Master Plan*, as adopted by San Joaquin County, includes a requirement that the potential for aircraft noise impact on residential property in community be disclosed to property purchasers through the use of deed notices. The portion of the community within which this requirement is to be established is shown on an accompanying map. This map should be updated to correspond to the ALUC Compatibility Map for Byron Airport and to match the Byron Airport runway alignment as it has actually been built.

Byron Municipal Advisory Council

The Byron Municipal Advisory Council (MAC) does not have the governmental powers of a county or an incorporated city. Rather, its function is to provide advice to the Contra Costa County Board of Supervisors on land use planning and other matters affecting the southeastern corner of the county. In this capacity, the council has prepared a *Byron Township General Plan, 1999-2020* which includes a proposed, long-range land use development plan for the area. The plan boundaries encompass the Byron Airport and all of the Contra Costa County portion of the airport influence area.

Work on the Byron plan took place concurrently with early work phases of the ALUC *Compatibility Plan*. Coordination was maintained between the two projects in an effort to minimize conflicts between the plans. On the whole, the land use pattern proposed in the Byron plan is consistent with the *Compatibility Plan* criteria. The Byron plan emphasizes future light industrial and office development or continued agricultural uses nearest the airport, with residential areas a mile or more to the north. A more detailed comparison between the two plans reveals the following (also see the map, Appendix H5):

- ' **Compatibility Zone A** — Except for a small area north of the airport which remains in private ownership, this zone is all on county property. The remaining private property is shown on the Byron Airport Layout Plan for fee title acquisition. The council's plan shows the property as light industrial. If the property is not acquired by the county, *Compatibility Zone A* criteria would preclude any structures; only agricultural or other open space uses would be allowed.
- ' **Compatibility Zone B1** — The council's plan designates lands in *Zone B1* as either light industrial or agricultural. Both uses are basically consistent with the *Compatibility Plan*. However, light industrial uses will need to be limited to an average of no more than 25 people per acre. The same limitation would be applicable to any nonresidential uses in the agricultural area. Also, in the agricultural area, a restriction needs to be added prohibiting additional residences except on existing parcels. The Byron Airport Layout Plan proposes approach protection easements for most of *Zone B1*.
- ' **Compatibility Zone B2** — Proposed development within *Compatibility Zone B2* consists mostly of agricultural, light industrial, and business park uses. The light industrial and business park designations are consistent with the compatibility criteria provided that the usage intensity is limited to no more than 50 people per acre. Uses which involve features such as multi-story buildings, large meeting rooms, or intensive assembly-line manufacturing are unlikely to be acceptable, but most other activities found in typical business/industrial parks would meet the contemplated criteria.

More of a conflict is an area northwest of the airport which the Byron MAC plan indicates for residential lots as small as 1.0 acre. Elsewhere, the agricultural designation is consistent with the compatibility criteria provided that zoning maintains parcel sizes at a minimum of 10 acres.

- **Compatibility Zone C1** — The remaining conflicts between the two plans occur within the portion of *Zone C1* north of the airport. The council's plan contemplates extensive residential development at densities up to 2.9 dwelling units per acre west of Byron Highway, south of the present Byron town site. The *Compatibility Plan* seeks to preclude most residential uses within this area. No significant conflicts are apparent elsewhere in *Zone C1*. Agricultural lots sizes are proposed to be 5 acres minimum which is consistent with the compatibility criterion for this zone. Light industrial and business park uses could have average intensities of up to 100 people per acre, a criterion which nearly all would meet.
- **Compatibility Zone C2** — This zone was carved from the northeastern corner of the originally proposed *Zone C* as a means of eliminating some of the conflicts with the Byron MAC plan. As described in Chapter 4, the *Zone C2* criteria provide both a low- or a high-density option. The high-density option anticipates that aircraft overflight annoyance will be less where residential densities — and thus background noise levels — are high than it would be in quiet, semi-rural environments having 1-2 acre residential lots. To be consistent with this option, the densities indicated in the Byron MAC plan would have to be *increased* within the section of *Zone C2* shown for densities of 3.0 to 4.9 dwelling units per acre.
- **Compatibility Zone D** — To the north and northeast, *Zone D* encompasses the existing Byron town center and lands proposed for residential development. These uses are consistent with the preliminary compatibility criteria. The principal compatibility policy applying to this zone is the recommendation that information about the airport's proximity be disclosed as part of any residential real estate transactions in the area. Elsewhere in *Zone D*, the proposed agricultural land use designation poses no conflicts. The only limitation is with regard to required airspace review for objects taller than 100 feet in height.
- **Height Exception Overlay Zone** — No direct conflicts are apparent. Objects taller than 50 feet in height would need to be reviewed with respect to the airport's airspace requirements.

Compatibility Criteria

General Plan Document

The following items typically appear directly in a general plan document. Amendment of the general plan will be required if there are any conflicts with the *Compatibility Plan* (see Policy 2.4.3(a)).

- **Land Use Map** — Any direct conflicts between proposed new land uses indicated on a general plan land use map and the land use criteria in the *Compatibility Plan* must be eliminated. This is most likely to involve residential land uses and may require changes to allowable densities. Any specifically identified sites for future schools also must comply with *Compatibility Plan* criteria. Most other nonresidential uses usually can be consistent with compatibility criteria provided that limitations can be set on the intensity of usage (see below).
- **Noise Element** — General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent *Compatibility Plan* criteria (see Countywide Policies 4.1.3 and 4.1.4). Note, however, that a general plan may establish a different limit with respect to aviation-related noise than for noise from other sources (this may be appropriate in that aviation-related noise is often judged to be more objectionable than other types of equally loud noises).

Zoning or Other Policy Documents

The following items need to be reflected either in the general plan or in a separate policy document such as a combining zone ordinance. If a separate policy document is adopted, modification of the general plan to achieve consistency with the *Compatibility Plan* may not be required. Modifications would normally be needed only to eliminate any conflicting language which may be present and to make reference to the separate policy document.

- **Secondary Dwellings** — The *Compatibility Plan* counts detached secondary dwellings on the same parcel as additional dwellings for the purposes of density calculations. This factor needs to be reflected in local policies either by adjusting the maximum allowable densities or by prohibiting secondary dwellings where their presence would conflict with the compatibility criteria.
- **Intensity Limitations on Nonresidential Uses** — Local policies must be established to limit the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria — specifically, the number of people per acre — indicated in the *Compatibility Plan* (see Buchanan Field Airport Section 5.3 and Byron Airport Sections 6.2 through 6.7). Alternatively, local jurisdictions may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters which are equivalent to the usage intensity criteria.

Checklist of General Plan Consistency Requirements

- **Identification of Prohibited Uses** — The *Compatibility Plan* prohibits day care centers, hospitals, and certain other uses within much of each airport's influence area (see Buchanan Field Airport Section 5.3 and Byron Airport Sections 6.2 through 6.7). These often are permitted or conditionally permitted uses within many commercial or industrial land use designations. Policies need to be established which preclude these uses in accordance with the compatibility criteria.
- **Open Land Requirements** — The *Compatibility Plan* requirements (see Byron Airport Policy 6.9.4) for assuring that a minimum amount of open land is preserved in the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land also must be established.
- **Height Limitations and Other Hazards to Flight** — To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon Part 77 of the Federal Aviation Regulations, but may include exceptions for objects on high terrain as provided for in the *Compatibility Plan* (see Buchanan Field Airport Section 5.4 and Byron Airport Section 6.8). Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attract birds). Note that many jurisdictions have already adopted an airport-related hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.
- **Noise Insulation Requirements** — The compatibility criteria (see Countywide Policy 4.1.4) call for certain buildings proposed for construction within *Compatibility Zones B1* and *B2* to demonstrate that they will contain sufficient sound insulation to reduce aircraft-related noise to an acceptable level. These criteria apply to new residences, schools, and certain other buildings containing noise-sensitive uses. Local policies must include parallel criteria.
- **Avigation Easements and Deed Notices** — As a condition for approval of development within certain compatibility zones, the *Compatibility Plan* requires either dedication of an avigation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts (see Countywide Policy 4.4.3, Buchanan Field Airport Policies 5.2.5 and 5.4.5, "Other Development Conditions" in Byron Airport Sections 6.2 through 6.8, and Appendix F). Local jurisdiction policies must contain similar requirements. The plan also encourages, but does not require, local jurisdictions to adopt a policy stating that airport proximity and the potential for aircraft overflights be disclosed as part of real estate transactions regarding property in the airport influence area.
- **Nonconforming Uses and Reconstruction** — Local jurisdiction policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the *Compatibility Plan* (see Countywide Policies 2.4.4(a) and (b)).

Review Procedures

In addition to incorporation of ALUC compatibility criteria, local jurisdiction implementing documents must specify the manner in which development proposals will be reviewed for consistency with the compatibility criteria.

- ' **Actions Always Required to be Submitted for ALUC Review** — State law specifies which types of development actions must be submitted for airport land use commission review (see Countywide Policy 1.5.1). Local policies should either list these actions or, at a minimum, note the jurisdiction's intent to comply with the state statute.
- ' **Other Land Use Actions Potentially Subject to ALUC Review** — In addition to the above actions, the *Compatibility Plan* identifies certain major land use actions for which referral to the ALUC is dependent upon agreement between the jurisdiction and the ALUC (see Countywide Policies 1.5.2 and 1.5.3). If the jurisdiction fully complies with all of the items in this general plan consistency checklist or has taken the necessary steps to override the ALUC, then referral of the additional actions is voluntary. On the other hand, a jurisdiction may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the ALUC is mandatory. Local policies should indicate the jurisdiction's intentions in this regard.
- ' **Process for Compatibility Reviews by Local Jurisdictions** — If a jurisdiction chooses to submit only the mandatory actions for ALUC review, then it must establish a policy indicating the procedures which will be used to assure that airport compatibility criteria are addressed during review of other projects. Possibilities include: a standard review procedure checklist which includes reference to compatibility criteria; use of a geographic information system to identify all parcels within the airport influence area; etc.
- ' **Project Submittal Information** — For any project to be submitted for ALUC or ALUC staff review, local jurisdiction review procedures should include a listing of the types of information which the ALUC will require (see Countywide Policy 2.3.1). Local jurisdictions should add these items to their lists of the information which they require in order to deem a development application to be complete.
- ' **Variance Procedures** — Local procedures for granting of variances to the zoning ordinance must make certain that any such variances do not result in a conflict with the compatibility criteria. Any variance which involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the *Compatibility Plan* must be referred to the ALUC for review (see Countywide Policy 1.5.1(b)).
- ' **Enforcement** — Policies must be established to assure compliance with compatibility criteria during the lifetime of the development. Enforcement procedures are especially necessary with regard to limitations on usage intensities and the heights of trees.

Appendix I

Glossary of Terms

Air Carriers: The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

Air Installation Compatible Use Zone (AICUZ): A land use compatibility plan prepared by the U.S. Department of Defense for military airfields. AICUZ plans serve as recommendations to local government bodies having jurisdiction over land uses surrounding these facilities.

Aircraft Accident: An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- ' Except as provided below, *substantial damage* means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.
- ' Engine failure, damage limited to an engine, bent fairings or cowlings, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Aircraft Incident: A mishap associated with the operation of an aircraft in which neither fatal or serious injuries nor substantial damage to the aircraft occur.

Aircraft Mishap: The collective term for an aircraft accident or an incident.

Aircraft Operation: The airborne movement of aircraft at an airport or about an en route fix or at other point where counts can be made. There are two types of operations: local and itinerant. An operation is counted for each landing and each departure, such that a touch-and-go flight is counted as two operations. (FAA Stats)

Airport: An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities, if any. (FAR 1)

Airport Elevation: The highest point of an airport's usable runways, measured in feet above mean sea level. (AIM)

Airport Land Use Commission (ALUC): A commission authorized under the provisions of California Public Utilities Code, Sections 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them.

Airport Layout Plan (ALP): A scale drawing of existing and proposed airport facilities, their location on an airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

Airport Master Plan (AMP): A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based.

Airport Reference Code (ARC): A coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at an airport. (Airport Design AC)

Airports, Classes of: For the purposes of issuing a Site Approval Permit, the California Department of Transportation, Division of Aeronautics classifies airports into the following categories. (CCR)

- ' *Agricultural Airport or Heliport:* An airport restricted to use only by agricultural aerial applicator aircraft (FAR Part 137 operators).
- ' *Emergency Medical Services (EMS) Landing Site:* A site used for the landing and taking off of EMS helicopters that is located at or as near as practical to a medical emergency or at or near a medical facility and
 - (1) has been designated an EMS landing site by an officer authorized by a public safety agency, as defined in PUC Section 21662.1, using criteria that the public safety agency has determined is reasonable and prudent for the safe operation of EMS helicopters and
 - (2) is used, over any twelve month period, for no more than an average of six landings per month with a patient or patients on the helicopter, except to allow for adequate medical response to a mass casualty event even if that response causes the site to be used beyond these limits, and
 - (3) is not marked as a permitted heliport as described in Section 3554 of these regulations and
 - (4) is used only for emergency medical purposes.
- ' *Heliport on Offshore Oil Platform:* A heliport located on a structure in the ocean, not connected to the shore by pier, bridge, wharf, dock, or breakwater, used in the support of petroleum exploration or production.
- ' *Personal-Use Airport:* An airport limited to the non-commercial use of an individual owner or family and occasional invited guests.
- ' *Public-Use Airport:* An airport that is open for aircraft operations to the general public and is listed in the current edition of the *Airport/Facility Directory* that is published by the National Ocean Service of the U.S. Department of Commerce.
- ' *Seaplane Landing Site:* An area of water used, or intended for use, for landing and takeoff of seaplanes.

- ' *Special-Use Airport or Heliport:* An airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations, and/or personal use.
- ' *Temporary Helicopter Landing Site:* A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and
 - (1) is used or intended to be used for less than one year, except for recurrent annual events, and
 - (2) is not marked or lighted to be distinguishable as a heliport and
 - (3) is not used exclusively for helicopter operations.

Ambient Noise Level: The level of noise that is all-encompassing within a given environment for which a single source cannot be determined. It is usually a composite of sounds from many and varied sources near to and far from the receiver.

Approach Protection Easement: A form of easement which both conveys all of the rights of an aviation easement and sets specified limitations on the type of land uses allowed to be developed on the property.

Approach Speed: The recommended speed contained in aircraft manuals used by pilots when making an approach to landing. This speed will vary for different segments of an approach as well as for aircraft weight and configuration. (AIM)

Aviation-Related Use: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations, terminal buildings, etc.

Avigation Easement: A type of easement which typically conveys the following rights:

- < A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (usually set in accordance with FAR Part 77 criteria).
- < A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
- < A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- < A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- < A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

Based Aircraft: Aircraft stationed at an airport on a long-term basis.

California Environmental Quality Act (CEQA): Statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. The

Act establishes a process for state and local agency review of projects, as defined in the implementing guidelines, which may adversely affect the environment.

Ceiling: Height above the earth's surface to the lowest layer of clouds or obscuring phenomena. (AIM)

Circling Approach/Circle-to-Land Maneuver: A maneuver initiated by the pilot to align the aircraft with a runway for landing when a straight-in landing from an instrument approach is not possible or not desirable. (AIM)

Combining District: A zoning district which establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.

Commercial Activities: Airport-related activities which may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CCR)

Commercial Operator: A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)

Community Noise Equivalent Level (CNEL): The noise metric adopted by the State of California for evaluating airport noise. It represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. (State Airport Noise Standards)

Compatibility Plan: As used herein, a plan, usually adopted by an Airport Land Use Commission, which sets forth policies for promoting compatibility between airports and the land uses which surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

Controlled Airspace: Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

Day-Night Average Sound Level (DNL): The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn} .

Decibel (dB): A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

Deed Notice: A formal statement added to the legal description of a deed to a property and on any subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft overflights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft overflights can avoid moving to the affected areas.

Designated Body: A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

Easement: A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

Equivalent Sound Level (L_{eq}): The level of constant sound which, in the given situation and time period, has the same average sound energy as does a time-varying sound.

FAR Part 77: The part of the Federal Aviation Regulations which deals with objects affecting navigable airspace.

FAR Part 77 Surfaces: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

Federal Aviation Administration (FAA): The U.S. government agency which is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

Federal Aviation Regulations (FAR): Regulations formally issued by the FAA to regulate air commerce.

Findings: Legally relevant subconclusions which expose a government agency's mode of analysis of facts, regulations, and policies, and which bridge the analytical gap between raw data and ultimate decision.

Fixed Base Operator (FBO): A business which operates at an airport and provides aircraft services to the general public including, but not limited to, sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

General Aviation: That portion of civil aviation which encompasses all facets of aviation except air carriers. (FAA Stats)

Glide Slope: An electronic signal radiated by a component of an ILS to provide vertical guidance for aircraft during approach and landing.

Global Positioning System (GPS): A navigational system which utilizes a network of satellites to determine a positional fix almost anywhere on or above the earth. Developed and operated by the U.S. Department of Defense, GPS has been made available to the civilian sector for surface, marine, and aerial navigational use. For aviation purposes, the current form of GPS guidance provides en route aerial navigation and selected types of nonprecision instrument approaches. Eventual application of GPS as the principal system of navigational guidance throughout the world is anticipated.

Helipad: A small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters. (AIM)

Heliport: A facility used for operating, basing, housing, and maintaining helicopters. (HAI)

Infill: Development which takes place on vacant property largely surrounded by existing development, especially development which is similar in character.

Instrument Approach Procedure: A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

Instrument Flight Rules (IFR): Rules governing the procedures for conducting instrument flight. Generally, IFR applies when meteorological conditions with a ceiling below 1,000 feet and visibility less than 3 miles prevail. (AIM)

Instrument Landing System (ILS): A precision instrument approach system which normally consists of the following electronic components and visual aids: (1) Localizer; (2) Glide Slope; (3) Outer Marker; (4) Middle Marker; (5) Approach Lights. (AIM)

Instrument Operation: An aircraft operation in accordance with an IFR flight plan or an operation where IFR separation between aircraft is provided by a terminal control facility. (FAA ATA)

Instrument Runway: A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums has been approved. (AIM)

Inverse Condemnation: An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

Land Use Density: A measure of the concentration of land use development in an area. Mostly the term is used with respect to residential development and refers to the number of dwelling units per acre. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Land Use Intensity: A measure of the concentration of nonresidential land use development in an area. For the purposes of airport land use planning, the term indicates the number of people per acre attracted by the land use. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Large Airplane: An airplane of more than 12,500 pounds maximum certificated takeoff weight. (Airport Design AC)

Localizer (LOC): The component of an ILS which provides course guidance to the runway. (AIM)

Minimum Descent Altitude (MDA): The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided. (FAR 1)

Missed Approach: A maneuver conducted by a pilot when an instrument approach cannot be completed to a landing. (AIM)

National Transportation Safety Board (NTSB): The U.S. government agency responsible for investigating transportation accidents and incidents.

Navigational Aid (Navaid): Any visual or electronic device airborne or on the surface which provides point-to-point guidance information or position data to aircraft in flight. (AIM)

Noise Contours: Continuous lines of equal noise level usually drawn around a noise source, such as an airport or highway. The lines are generally drawn in 5-decibel increments so that they resemble elevation contours in topographic maps.

Noise Level Reduction (NLR): A measure used to describe the reduction in sound level from environmental noise sources occurring between the outside and the inside of a structure.

Nonconforming Use: An existing land use which does not conform to subsequently adopted or amended zoning or other land use development standards.

Nonprecision Approach Procedure: A standard instrument approach procedure in which no electronic glide slope is provided. (FAR 1)

Nonprecision Instrument Runway: A runway with an approved or planned straight-in instrument approach procedure which has no existing or planned precision instrument approach procedure. (Airport Design AC)

Obstruction: Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceeds the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

Overflight: Any distinctly visible and audible passage of an aircraft in flight, not necessarily directly overhead.

Overflight Easement: An easement which describes the right to overfly the property above a specified surface and includes the right to subject the property to noise, vibrations, fumes, and emissions. An overflight easement is used primarily as a form of buyer notification.

Overflight Zone: The area(s) where aircraft maneuver to enter or leave the traffic pattern, typically defined by the FAR Part 77 horizontal surface.

Overlay Zone: See *Combining District*.

Planning Area Boundary: An area surrounding an airport designated by an ALUC for the purpose of airport land use compatibility planning conducted in accordance with provisions of the State Aeronautics Act.

Precision Approach Procedure: A standard instrument approach procedure where an electronic glide slope is provided. (FAR 1)

Precision Instrument Runway: A runway with an existing or planned precision instrument approach procedure. (Airport Design AC)

Referral Area: The area around an airport defined by the planning area boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the commission for review.

Runway Protection Zone (RPZ): An area (formerly called a *clear zone*) off the end of a runway used to enhance the protection of people and property on the ground. (Airport Design AC)

Safety Zone: For the purpose of airport land use planning, an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.

Single-Event Noise: As used in herein, the noise from an individual aircraft operation or overflight.

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

Site Approval Permit: A written approval issued by the California Department of Transportation authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CCR)

Small Airplane: An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

Sound Exposure Level (SEL): A time-integrated metric (i.e., continuously summed over a time period) which quantifies the total energy in the A-weighted sound level measured during a transient noise event. The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

Straight-In Instrument Approach: An instrument approach wherein a final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

Taking: Government appropriation of private land for which compensation must be paid as required by the Fifth Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

Terminal Instrument Procedures (TERPS): Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

Threshold: The beginning of that portion of the runway usable for landing (also see *Displaced Threshold*). (AIM)

Touch-and-Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (AIM)

Traffic Pattern: The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum—generally, a 1,000-foot ceiling and 3-mile visibility.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design AC)

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

FAR 1: *Federal Aviation Regulations Part 1, Definitions and Abbreviations*

AIM: *Aeronautical Information Manual*

Airport Design AC: Federal Aviation Administration, *Airport Design* Advisory Circular 150/5300-13

CCR: California Code of Regulations, Title 21, Section 3525 et seq., *Division of Aeronautics*

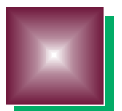
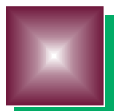
FAA ATA: Federal Aviation Administration, *Air Traffic Activity*

FAA Stats: Federal Aviation Administration, *Statistical Handbook of Aviation*

HAI: Helicopter Association International

NTSB: National Transportation and Safety Board

Attachments



Initial Study of Environmental Impacts

Contra Costa County Airport Land Use Compatibility Plan

BACKGROUND

1. **Project Title:**

Contra Costa County Airport Land Use Compatibility Plan (May 2000 Draft)

2. **Lead Agency Name and Address:**

Contra Costa County Airport Land Use Commission
c/o Community Development Department
Administration Bldg — 4th Floor North
651 Pine Street
Martinez, CA 94553

3. **Contact Person and Phone Number:**

Mr. Robert H. Drake
(925) 335-1273

4. **Project Proponent's Name and Address:**

Same as #2 above.

5. **Initial Study Prepared by:**

Shutt Moen Associates
Santa Rosa, California

6. **Project Location:**

The *Compatibility Plan* primarily applies to land use planning and future development within the environs of the two public-use airports in Contra Costa County: Buchanan Field Airport and Byron Airport. The plan defines the affected locations as the airport influence area for each airport. Maps depicting the proposed boundaries of each airport's influence area are included in the plan document. The airport influence areas for both airport are oval shapes with extensions along the principal instrument approach routes. At Buchanan Field Airport, the airport influence area measures approximately 5.9 by 6.3 miles with a 1.1-mile extension to the northeast. Byron Airport's influence area encompasses an area of some 5.3 by 6.3 miles with an extension of 5.1-miles to the southeast. The plan also applies to any proposed new airport or heliport for which a permit is required from the Caltrans Aeronautics Program.

7. **General Plan Designation:**

Various.

8. **Zoning:**

Various.

9. Description of Project:

The plan provides a set of policies for use by the Contra Costa County Airport Land Use Commission in evaluating the compatibility between future proposals for land use development in the vicinity of the two public-use airports and the aircraft activity at these airports. The local agencies having jurisdiction over land uses within the areas covered by this plan include: Contra Costa County and the cities of Concord, Martinez, and Pleasant Hill. The plan also establishes policies by which the Commission will review master plans for the two existing airports and development plans for any proposed new airport or heliport. The plan is prepared in accordance with requirements of the California State Aeronautics Act.

10. Surrounding Land Uses and Setting:

- *Buchanan Field Airport:* Surrounded by intensive existing urban development except to the north. Commercial and office uses predominate immediately to the southeast and southwest. Residential land uses occur farther south, as well as to the east and west. Oil refinery and wastewater treatment facilities are the major uses to the north.
- *Byron Airport:* Sparsely populated except for unincorporated community of Byron 2.0 miles north. Rising terrain and extensive areas of wind turbine installation to the west.

11. Other agencies whose approval is required:

The Contra Costa County Airport Land Use Commission can adopt the plan without approval from any other agency, either state or local. Nevertheless, in preparation of the plan, the Commission and its consultants have been guided by the *Airport Land Use Planning Handbook* published by the Caltrans Aeronautics Program as required by state law (Public Utilities Code Section 21674.7). Furthermore, implementation of the *Compatibility Plan's* policies can only be accomplished by the general purpose local governments which have authority over land use within the airport influence areas: Contra Costa County, the cities of Concord, Martinez, and Pleasant Hill. State statutes require these agencies to make their general plans consistent with the *Compatibility Plan* within 180 days, unless they go through an override procedure. The override procedure requires a two-thirds vote and specific findings must be supported.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" Impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based upon the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Authorized by:



Signature

Robert H. Drake

Printed Name

10-12-00

Date

Community Development Dept. 31

Representing

Staff to the
L.C.C. Airport Land Use
Commission

EVALUATION OF ENVIRONMENTAL IMPACTS

Explanations of all "Potentially Significant," "Potentially Significant Unless Mitigation Incorporated," "Less Than Significant Impact," and "No Impact" answers are provided on the attached sheets.

General Comment

The project is regulatory in nature. No physical construction would result from the adoption of the *Contra Costa County Airport Land Use Compatibility Plan* or from subsequent implementation of the land use restrictions and policies. Although future land use development in the vicinity of airports in Contra Costa County would be influenced by the *Compatibility Plan*, it is speculative to anticipate the specific characteristics of that development or the types of environmental impacts which would be associated with it. One possibility is that land uses in much of the airports' environs would remain unchanged from present conditions. On the other hand, the *Compatibility Plan* neither precludes new development near airports nor dictates the type of land uses which are allowed. The plan merely limits the density, intensity, and height of the uses so as to avoid creation of noise and safety compatibility conflicts with airport activities. Also, state law establishes a procedure by which affected local jurisdictions can override the compatibility policies set forth in the plan.

Given these considerations, it is concluded that ALUC adoption of the *Contra Costa County Airport Land Use Compatibility Plan* will have no impact with respect to the following environmental impact issues:

1. Aesthetics	All
2. Agricultural Resources	All
3. Air Quality	All
4. Biological Resources	All
5. Cultural Resources	All
6. Geology and Soils	All
7. Hazards and Hazardous Materials	Issues a), b) c), d), g), h)
8. Hydrology and Water Quality	All
9. Land Use and Planning	Issue a)
10. Mineral Resources	All
11. Noise	Issues a), b), c), d)
12. Population and Housing	Issues b), c)
13. Public Services	Issues a).i), a).ii), a).iii), a).iv)
14. Recreation	All
15. Transportation / Traffic	Issues a), b), d), e), f), g)
16. Utilities and Service Systems	All
17. Mandatory Findings of Significance	Issues a), c)

For each of these topics, the "No Impact" column has been checked and reference is made to the above General Comment.

1. Aesthetics

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	_____	_____	_____	<u>✗</u>
b) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	_____	_____	_____	<u>✗</u>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	_____	_____	_____	<u>✗</u>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	_____	_____	_____	<u>✗</u>

Discussion:

See preceding General Comment.

Mitigation:

None required.

2. Agricultural Resources

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. <i>Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	_____	_____	_____	<u>✗</u>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	_____	_____	_____	<u>✗</u>

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

_____ **x**

Discussion:

See preceding General Comment. Furthermore, land use compatibility policies in the *Compatibility Plan* favor continuation of agricultural land uses in the vicinity of Byron Airport.

Mitigation:

None required.

3. Air Quality

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determination. <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	_____	_____	_____	x
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	_____	_____	_____	x
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	_____	_____	_____	x
d) Expose sensitive receptors to substantial pollutant concentrations?	_____	_____	_____	x
e) Create objectionable odors affecting a substantial number of people?	_____	_____	_____	x

Discussion:

See preceding General Comment.

Mitigation:

None required.

4. Biological Resources

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	_____	_____	_____	<u> x </u>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	_____	_____	_____	<u> x </u>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	_____	_____	_____	<u> x </u>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	_____	_____	_____	<u> x </u>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	_____	_____	_____	<u> x </u>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	_____	_____	_____	<u> x </u>

Discussion:

See preceding General Comment.

Mitigation:

None required.

5. Cultural Resources

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	_____	_____	_____	<u>✗</u>
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to §15064.5?	_____	_____	_____	<u>✗</u>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	_____	_____	_____	<u>✗</u>
d) Disturb any human remains, including those interred outside of formal cemeteries?	_____	_____	_____	<u>✗</u>

Discussion:

See preceding General Comment.

Mitigation:

None required.

6. Geology and Soils

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	_____	_____	_____	<u>✗</u>

ii) Strong seismic ground shaking?	_____	_____	_____	<u> X </u>
iii) Seismic-related ground failure, including liquefaction?	_____	_____	_____	<u> X </u>
iv) Landslides?	_____	_____	_____	<u> X </u>
b) Result in substantial soil erosion or the loss of topsoil?	_____	_____	_____	<u> X </u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	_____	_____	_____	<u> X </u>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	_____	_____	_____	<u> X </u>

Discussion:

See preceding General Comment.

Mitigation:

None required.

7. Hazards and Hazardous Material

Issues

Potentially
Significant
Impact

Less than
Significant
with
Mitigation

Less than
Significant
Impact

No Impact

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	_____	_____	_____	<u> X </u>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	_____	_____	_____	<u> X </u>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	_____	_____	_____	<u> X </u>

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment?	_____	_____	_____	<u> x </u>
e) If located within an airport land use plan or, where such a plans has not been adopted, within two miles of a public airport or public-use airport, result in a safety hazard for people residing or working in the project area?	_____	_____	_____	<u> x </u>
f) If located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?	_____	_____	_____	<u> x </u>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	_____	_____	_____	<u> x </u>
h) Expose people or structures to a significant risk of loss, injury or death involving wildlife fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	_____	_____	_____	<u> x </u>

Discussion:

- 7.e) The *Compatibility Plan* establishes the criteria by which safety hazards referred to in this issue would be evaluated. These criteria reduce the risk of exposure to the hazards of an off-airport aircraft accident by limiting residential densities and concentrations of people in locations near the two public-use airports in Contra Costa County. The risks of aircraft accident occurrence are reduced by limitations on the height of structures, trees, and other objects which might penetrate airport airspace as defined by Federal Aviation Regulations, Part 77. The plan also seeks to minimize the consequences of an off-airport aircraft accident by requiring a percentage of the land in critical locations near Byron Airport to remain open and reasonably suitable for a survivable emergency aircraft landing.
- 7.f) Although the *Compatibility Plan* does not specifically pertain to land uses around private airstrips, the compatibility concepts presented in the plan would be generally applicable.

7.a), 7.b), 7.c), 7.d), 7.g), and 7.h): See preceding General Comment.

Mitigation:

None required.

8. Hydrology and Water Quality

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	_____	_____	_____	<u>×</u>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	_____	_____	_____	<u>×</u>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	_____	_____	_____	<u>×</u>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	_____	_____	_____	<u>×</u>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	_____	_____	_____	<u>×</u>
f) Otherwise substantially degrade water quality?	_____	_____	_____	<u>×</u>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	_____	_____	_____	<u>×</u>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	_____	_____	_____	<u>×</u>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	_____	_____	_____	<u>×</u>
j) Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?	_____	_____	_____	<u>×</u>

Discussion:

See preceding General Comment.

Mitigation:

None required.

9. Land Use and Planning

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Physically divide an established community?	_____	_____	_____	<u>×</u>
b) Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	_____	_____	<u>×</u>	_____
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	_____	_____	_____	<u>×</u>

Discussion:

9.a) See preceding General Comment.

9.b) State law (Government Code 65302.3) requires each local government having jurisdiction over land use within locations addressed by an airport land use compatibility plan to modify its general plan and any applicable specific plan for consistency with the compatibility plan (or to go through the special process required to override the airport land use commission). For a general plan to be considered consistent with the *Compatibility Plan*, it must do both of the following: (1) it must not have any direct conflicts with the *Compatibility Plan* and (2) it must contain criteria and/or provisions for evaluation of proposed land use development situated within an airport influence area.

With regard to the draft *Contra Costa County Airport Land Use Compatibility Plan*, these requirements would apply to the county of Contra Costa and the cities of Concord, Martinez, and Pleasant Hill. Appendix H of the *Compatibility Plan* contains an initial evaluation of local general plans consistency with the *Compatibility Plan* policies. This evaluation indicates that certain modifications to the general plan and/or zoning of each of the four affected jurisdictions would be required as a consequence of ALUC adoption of the *Compatibility Plan*.

- ▶ No direct conflicts in land use designations have been identified in the jurisdictions around Buchanan Field Airport. Additional limitations on the intensity of nonresidential development will be necessary in some locations, however.
- ▶ Current land use designations in the Byron Airport vicinity are predominantly agricultural and not in conflict with compatibility criteria. Limitations on the intensities (concentrations of people) associated with certain types of agricultural activities will be necessary. Restrictions also may be required to land uses within portions of the Byron Hot Springs property. The current recreational (F-R) zoning allows uses and intensities which are inconsistent with the compatibility criteria.

The second requirement addresses the common problem that local general plans and/or other policy documents do not contain criteria for evaluating other compatibility factors such as limits on the height of structures and the intensity (number of people per acre) of land uses. The project evaluation requirement can be met in any of several ways identified in the *Compatibility Plan*. Options include: (1) incorporation of the ALUC's compatibility criteria into the general plan, zoning ordinance, and/or other local policy document; (2) adoption of the *Compatibility Plan* by reference; and/or (3) agreement to submit certain major land use actions to the ALUC for compatibility review.

Although ALUC adoption of the *Contra Costa County Airport Land Use Compatibility Plan* would establish compatibility criteria which would be applicable countywide, the Commission does not have authority to implement the plan. This responsibility rests with individual land use jurisdictions through the general plan consistency process described above. Because the affected jurisdictions have multiple options with regard to how to implement the compatibility criteria, as well as the option to override the ALUC, the specific land use environmental impacts which may result cannot be determined at this time. Each jurisdiction will need to assess these impacts at a higher level of detail as part of the CEQA process associated with the general plan changes and/or other policy actions taken in response to the *Compatibility Plan*.

- 9.c) The *Compatibility Plan* has no known conflicts with any habitat conservation plan or natural community conservation plan. However, conflicts potentially could occur if such plans were to include proposals which could lead to increased attraction of birds to the vicinity of the airports. Attraction of birds also would conflict with established Federal Aviation Administration policies.

Mitigation:

None required.

10. Mineral Resources

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	_____	_____	_____	<u> ✕ </u>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	_____	_____	_____	<u> ✕ </u>
<i>Discussion:</i>				
See preceding General Comment.				
<i>Mitigation:</i>				
None required.				

11. Noise

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	_____	_____	_____	<u> ✕ </u>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	_____	_____	_____	<u> ✕ </u>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u> ✕ </u>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u> ✕ </u>

- e) If located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, exposure of people residing or working in the project area to excessive noise levels?

_____ ×

- f) If located within the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels?

_____ ×

Discussion:

11.a), 11.b), 11.c), and 11.d): See preceding General Comment.

- 11.e) The *Compatibility Plan* establishes the criteria by which noise exposure referred to in this issue would be evaluated. These criteria reduce the potential exposure of people to excessive aircraft-related noise by limiting residential densities and concentrations of people associated with future development in locations near the two public-use airports in Contra Costa County. Also, new structures in the most highly impacted locations will be required to meet state and local criteria for exterior-to-interior noise level reduction. The plan does not regulate the operation of aircraft or the noise produced by that activity; the ALUC has no authority over such matters.

- 11.f) Although the *Compatibility Plan* does not specifically pertain to land uses around private airstrips, the compatibility concepts presented in the plan would be generally applicable.

Mitigation:

None required.

12. Population and Housing

Issues

Potentially
Significant
Impact Less than
Significant
with
Mitigation Less than
Significant
Impact No Impact

Would the project:

- a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?
- b) Displace a substantial amount of existing housing, necessitating the construction of replacement housing elsewhere?

_____ × _____

_____ ×

- _____ **X** _____

Discussion:

- 12.a) The *Compatibility Plan* does not directly or indirectly induce population growth either regionally or locally. In fact, its provisions limit the location, distribution, and density of future residential and nonresidential land uses in the airports' environs to minimize potential noise impacts and safety concerns. Nevertheless, to the extent that such restrictions conflict with currently adopted county and city land use plans, adoption of the *Compatibility Plan* could cause population growth to be shifted to locations different from where now planned. For different reasons, such a scenario is unlikely near either existing airport in the county.
- ▶ Within the Buchanan Field Airport influence area, little if any vacant land designated for residential uses remains. Also, residential uses are consistent with the compatibility criteria in all but the most noise and safety impacted locations near the runways. Limited areas of existing residential development might not be approved today if the proposed criteria were in place. However, the *Compatibility Plan* does not apply to existing development or otherwise require any changes to such uses or their designation on local general plans.
 - ▶ Current general plan and zoning designations within the Byron Airport vicinity are primarily agricultural with requirements for parcel sizes of 5.0 acres or more. Although the compatibility criteria preclude otherwise permitted land divisions within a few locations, the total number of additional dwellings which would be eliminated is minute. This impact is not significant relative to future planned residential development within the east county area and in the adjoining portion of San Joaquin County. The plan explicitly allows construction of a dwelling unit on any legal lot of record where such use is permitted by local land use regulations.

One other possible concern regarding the potential effects of the *Compatibility Plan* policies on housing stems from the recommendation that the proximity of Buchanan Field Airport or Byron Airport be disclosed as part of real estate and lease or residential agreements involving residential property within the respective airport influence area. No evidence exists that disclosures of this type — even if they were required by the policy, which they are not — have negative effects on property values.

- 12.b) and 12.c): No housing or people will be displaced as a result of the plan's adoption. The *Compatibility Plan* does not apply to existing housing. Moreover, it explicitly allows construction of single-family houses on legal lots of record where such uses are permitted by local land use regulations. Also see preceding General Comment.

Mitigation:

None required.

13. Public Services

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i) Fire protection?	_____	_____	_____	_____*
ii) Police protection?	_____	_____	_____	_____*
iii) Schools?	_____	_____	_____*	_____
iv) Parks?	_____	_____	_____	_____*
v) Other public services?	_____	_____	_____*	_____

Discussion:

13.a) i), ii), and iv): See preceding General Comment.

13.a) iii): The *Compatibility Plan* prohibits new schools within a small portion of the Buchanan Field Airport influence area and within much of the Byron Airport influence area. No schools are currently existing or planned within the effected locations.

13.a) v): Adoption of the *Compatibility Plan* would create a temporary increase in the workload of county and city planning department staffs as a result of the requirement to modify local general plans for consistency with the *Compatibility Plan*. An initial assessment of the inconsistencies which would need to be addressed are included in Appendix H of the *Compatibility Plan*. Over the long term, procedural policies included in the *Compatibility Plan* are intended to simplify the ALUC project review process and thus reduce workload both for ALUC staff and the staff of the affected land use jurisdictions.

Mitigation:

None required.

14. Recreation

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	_____	_____	_____	<u>✗</u>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	_____	_____	_____	<u>✗</u>

Discussion:

See preceding General Comment.

Mitigation:

None required.

15. Transportation / Traffic

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	_____	_____	_____	<u>✗</u>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways?	_____	_____	_____	<u>✗</u>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	_____	_____	_____	<u>✗</u>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	_____	_____	_____	<u>✗</u>

e) Result in inadequate emergency access?	_____	_____	_____	<u>×</u>
f) Result in inadequate parking capacity?	_____	_____	_____	<u>×</u>
g) Conflict with accepted policies, plans, or programs supporting alternative transportation (e.g., bus turn-outs bicycle racks, etc.)?	_____	_____	_____	<u>×</u>

Discussion:

15.a), 15.b), 15.d), 15.e), 15.f), and 15.g): See preceding General Comment.

15.c) The *Compatibility Plan* has no authority over the operation of airports or air traffic, although it does include policies for review of certain aspects of proposed airport development which could have off-airport compatibility implications.

Mitigation:

None required.

16. Utilities and Service Systems

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	_____	_____	_____	<u>×</u>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	_____	<u>×</u>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	_____	<u>×</u>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	_____	_____	_____	<u>×</u>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	_____	_____	_____	<u>×</u>

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

_____	_____	_____	✖
_____	_____	_____	✖

Discussion:

See preceding General Comment.

Mitigation:

None required.

17. Mandatory Findings of Significance

Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	_____	_____	_____	✖
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	_____	_____	_____	✖
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	_____	✖

Discussion:

17.a) and 17.c): See preceding General Comment.

- 17.b) Because the *Compatibility Plan* is regulatory and restrictive in nature and will not cause any physical development to occur, it has no potential to create cumulatively significant environmental impacts. Rather, the plan addresses potential noise and safety impacts and other airport land use compatibility issues associated with potential future development which other public entities or private parties may propose for the vicinity of airports in Contra Costa County. Without adoption of the plan, the adverse impacts — both to airport functionality and to community livability — of allowing incompatible development to occur may be individually limited, but cumulatively considerable. The *Compatibility Plan* thus, in effect, serves as a mitigation plan designed to avoid impacts which might otherwise be cumulatively significant.

Mitigation:

None required.

REFERENCE DOCUMENTS

Alameda County. *East County Area Plan Land Use Diagram* (map). Adopted by Alameda County Board of Supervisors May 1994.

Byron Municipal Advisory Council. *Byron Township General Plan, 1999-2020*. June 1999.

Concord, City of. *City of Concord General Plan*. Originally adopted by Concord City Council July 1994; amendments through November 1996.

Contra Costa County. Community Development Department. *Contra Costa County General Plan, 1995-2010*. Adopted by Contra Costa County Board of Supervisors July 1996.

_____. *General Plan Land Use Element* (map). Approved by Contra Costa County Board of Supervisors January 1991.

Martinez, City of. *Martinez General Plan*. Originally adopted by Martinez City Council 1973; amendments through January 1995.

_____. *General Plan, Noise Element*. Adopted by Martinez City Council November 1985.

_____. *John Muir Parkway Specific Area Plan*. December 1985.

Pleasant Hill, City of. *General Plan*. Adopted by Pleasant Hill City Council October 1990.

San Joaquin County. *Mountain House New Community Master Plan*. Adopted by San Joaquin County Board of Supervisors November 1994.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF DETERMINATION**

DEC 18 2000

CONTRA COSTA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
651 PINE STREET 4TH FLOOR NORTH WING MARTINEZ, CALIFORNIA 94553-0096

S.L. WEIR, COUNTY CLERK

CONTRA COSTA COUNTY

DEPUTY

Telephone: (925) 335-1214

Contact Person: Robert Drake

Project Description, Common Name (if any) and Location:

UPDATE TO LAND USE COMPATIBILITY PLAN- A Proposed update to the existing comprehensive land use plans of the Contra Costa County Airport Land Use Commission. The plan provides land use policies aimed at protecting public safety and providing noise compatible uses on lands surrounding Buchanan Field and Byron Airports, and establishes an influence area around each airport. The plan also provides for other policies that would apply in all parts of Contra Costa County.

The project was approved on December 13, 2000.

Pursuant to the provisions of the California Environmental Quality Act:

- ☐ An Environmental Impact Report was prepared and certified (SCH #).
- ☐ The project was encompassed by an Environmental Impact Report previously prepared for (SCH #).
- ☒ A Negative Declaration was issued indicating that preparation of an Environmental Impact Report was not required.

Copies of the record of project approval and the Negative Declaration or the final EIR may be examined at the office of the Contra Costa County Community Development Department.

☒ The project will not have a significant environmental effect.

☐ The project will have a significant environmental effect.

- ☐ Mitigation measures were made a condition of approval of the project.
- ☐ A statement of overriding considerations was adopted.
- ☐ Findings were adopted pursuant to Section 15091 of the State CEQA Guidelines.

Date:

12/18/2000

By:

R. Drake

Community Development Representative

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Title

Department of Fish and Game Fees Due:

Applicant's

Name:

Address:

☐ EIR - \$850
☐ Neg. Dec. - \$1,250
☐ DeMinimis Findings - \$0
☒ County Clerk - \$25

Total Due: \$

Total Paid: \$

Receipt #

RESOLUTION OF THE AIRPORT LAND USE COMMISSION, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, CONCERNING ADOPTION OF A PROPOSED AIRPORT LAND USE COMPATIBILITY PLAN PRIMARILY AFFECTING THE BYRON AND BUCHANAN FIELD AIRPORTS, AND SURROUNDING AREAS, AND ALSO OTHER POLICIES THAT APPLY WITHIN THE BALANCE OF CONTRA COSTA COUNTY.

Recognizing the need to protect airports and their planned operations from development in surrounding areas that may interfere with those operations, the State Legislature has enacted enabling legislation under the California State Aeronautics Act (ref. Public Utilities Code Section 21670, et seq., State ALUC enabling law) to provide for airport land use compatibility planning to be conducted at the local level; the purpose of airport land use planning is to:

- Provide for the orderly development of each public use airport and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems;
- Protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

In order to achieve those purposes, the Contra Costa County Airport Land Use Commission has been established consisting of seven members constituted as follows:

- two representing the cities in the County appointed by the Contra Costa County Mayor's Conference, including one representative who is representative of a city that adjoins a public-use airport;
- two representing the Contra Costa County, appointed by the Board of Supervisors;
- two having expertise in aviation, appointed by the Contra Costa County Director of Airports; and
- one representing the general public, appointed by the balance of the other six members of the Commission;

State ALUC enabling law provides that each Airport Land Use Commission, including the Contra Costa County Airport Land Use Commission, shall provide for a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general; the Commission plan shall include and shall be based on a long-

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range master plan, as determined by the Division of Aeronautics of the California Department of Transportation that reflects the anticipated growth of the airport during at least the next 20 years; State enabling law requires that the Commission review the plan as often as necessary in order to accomplish its purposes;

Recognizing the need to update and improve the airport land use compatibility plans for both public-use airports with the County: Byron Airport and Buchanan Field Airport, the Contra Costa County Airport Land Use Commission (ALUC) tasked staff to undertake a review of the Commission's plans for these two airports and its policies within Contra Costa County in general;

The need for an update of the ALUC plan stems in part from the following factors:

- The existing Byron Airport ALUC Plan (adopted in 1991) unnecessarily restricts land uses that would be compatible with planned operations for the Byron Airport;
- It has been over twenty years since the ALUC has conducted a comprehensive review of the Commission's land use compatibility plan for Buchanan Field;
- In 1990, the Contra Costa County Board of Supervisors adopted an updated Master Plan for Buchanan Field Airport;
- In 1994, the California Division of Aeronautics issued updated guidelines to Airport Land Use Commissions that contain new information on safety and noise compatibility considerations;

In conducting the plan review, staff was aided by a planning consultant with aviation expertise;

Prior to formulation of a plan, staff consulted with the planning staffs of nearby local agencies including the Cities of Concord, Martinez, and Pleasant Hill;

After prior notice having been issued, staff conducted public workshops in the vicinities of both the Byron Airport and Buchanan Field Airport that reviewed study findings and accepted public input;

Following the public workshops on the plan review, a draft plan proposal was prepared based on current airport land use compatibility planning factors;

In compliance with the requirements of the California Environmental Quality Act (CEQA), State and County CEQA Guidelines, staff prepared an initial study on the proposed plan which determined that the project would not result in any significant environmental impacts, and on October 12, 2000, a Notice of Intent to Adopt a Negative

Declaration for the project was posted at the County Clerk's office, and otherwise noticed as required by law.

After notice was issued in accordance with law, a hearing was scheduled on the proposed plan before the Airport Land Use Commission, Contra Costa County on November 13, 2000, at which time all interested parties might appear and testify, and at which time the hearing was continued to November 15, 2000; at the November 15, 2000 hearing, testimony was again accepted from all interested parties, and at which time the hearing was closed, and the review of the proposed plan continued to December 13, 2000.

The Commission having considered all evidence and testimony submitted in this matter.

RESOLVED, that the Airport Land Use Commission of Contra Costa County finds that the proposed Negative Declaration determination is consistent with the requirements of the California Environmental Quality Act and with State and Contra Costa County ALUC California Environmental Quality Act guidelines; therefore, the Commission finds that the Negative Declaration determination is appropriate and ADOPTS said determination for purposes of compliance with the California Environmental Quality Act.

The Commission ADOPTS the proposed Airport Land Use Compatibility Plan for Contra Costa County, subject to modifications directed by the Commission.

The Commission further directs staff to forward copies of the adopted plan and notify local agencies within Contra Costa County including the Cities of Concord, Martinez, and Pleasant Hill, and the County of Contra Costa that pursuant to Government Code Section 65302, they are required to review their respective general plans, and any applicable specific plan to make them consistent with the adopted Airport Land Use Compatibility Plan within 180 days of the date that the adopted published plan is distributed; should the respective City Councils and Contra Costa County Board of Supervisors not concur with any provisions of the plan required under Section 21675 of the Public Utilities Code, then it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

The Commission further directs staff to forward copies of the adopted plan and notify the Counties of Alameda and San Joaquin to request that those agencies make their respective general plans, and any applicable specific plans, consistent with the adopted plan's policies as pertains to the area surrounding the Byron Airport; the Commission also directs staff to seek the support of the Airport Land Use Commissions within Alameda and San Joaquin Counties in support of this objective, which may include those bodies adopting relevant portions of the adopted plan.

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While the new Airport Land Use Compatibility Plan may allow uses that are not authorized by the general plans and zoning ordinances of local agencies, in adopting this plan the Commission does not necessarily encourage such development to occur;

Staff is further directed to file with the County Clerk's Office a Notice of Determination relative to the Commission action on the CEQA determination and on adoption of the proposed plan.

The decision of the Airport Land Use Commission, Contra Costa County, State of California was given by motion of the Airport Land Use Commission on December 13, 2000 by the following vote:

AYES: Commissioners – Kinney, Leighton, Schaefer, Day, Durant and Harkleroad.

NOES: Commissioners – None.

ABSENT: Commissioners – Manning.

ABSTAIN: Commissioners – None.

On July 11, 2001, the Contra Costa County Airport Land Use Commission reviewed this resolution and determined that it accurately reflects the Commission's December 13, 2001 decision on the proposed airport plan update by the following vote:

AYES: Commissioners – Kinney, Day, Durant, and Schaefer.

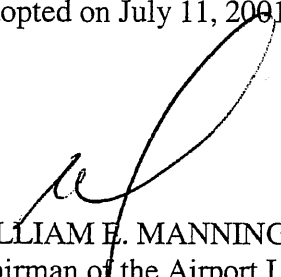
NOES: Commissioners – None.

ABSENT: Commissioners – Harkleroad, Leighton, and Manning.

ABSTAIN: Commissioners – None.

I, William E. Manning, Chairman of the Airport Land Use Commission, certify that the foregoing was duly called and adopted on July 11, 2001.

ATTEST:


WILLIAM E. MANNING
Chairman of the Airport Land Use Commission,
Contra Costa County, State of California.

I, Robert H. Drake, Secretary Designate of the Airport Land Use Commission, Contra Costa County, State of California, certify that the foregoing was duly called and adopted on July 11, 2001.

ATTEST:

A handwritten signature in black ink, appearing to read 'R. Drake', written over a horizontal line.

ROBERT H. DRAKE, Secretary Designate of the
Airport Land Use Commission, Contra Costa County,
State of California.

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Rev. 7-11-01 - rd

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